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ART. I.—*Briefe von Joseph dem Zweyten, als charakteristische Beiträge zur Lebens-und Staatsgeschichte dieses unvergesslichen Selbstherrschers.* Bis jetzt ungedruckt. Leipzig. F. A. Brockhaus. 1822.

Letters of Joseph II. Now first published.

Mr. Jefferson, in his letter on the kings of Europe, charges Joseph II. of Austria with insanity. It may be worth the while to give a little time to the consideration of the character of a ruler, about whom opinions have been so much divided. The materials are abundant, and now that the age of revolutions is past, history may be just to the imperial reformer. The prince, for whom Mozart composed music, Kaunitz negotiated, and Laudon won victories, occupies a prominent station among the sovereigns of Austria.

The contrast between monarchies and democratic states is in nothing more striking, than in the degrees and amount of political abilities, which they respectively call into action. Men may dispute, if they will, whether liberty be the fostering parent of the arts, and may continue to raise questions respecting the influence of forms of government on letters; but the turbulent contests, the unsparing and unqualified competition, allowed in popular states, quicken natural talents and furnish every facility and every inducement for their display. At courts the race is not necessarily to the swift; and men are naturally turned aside from the career of the public service, when no scope is furnished them for the full exercise of natural powers and the manly struggle for honors.

Hence it comes that histories of republics, even of small extent, and all republics but our own have been exceedingly limited in territory and in population, are filled with the names and virtues of illustrious men; and exhibit an activity of intellectual competition, which makes them brilliant with every kind of human distinction. Greece itself was but a small country, the whole of it not so large as one of the larger states in our confederacy; yet in the short period of its ancient independence, it furnished the world with examples of patriotic worth, that have remained as the acknowledged types of civil greatness. In the best days of Rome, the same results were again exhibited. In later ages, the arts, the prosperity, the commerce of Italy, made it the most opulent portion of Europe, in moral wealth, not less than in its flourishing finances, as long as it remained the most free; and the decline of heroism was almost contemporary with the cessation of civil emulation and political independence.

We are but repeating truths, which are trite and undisputed; yet they may still merit to be repeated and explained. The commonwealth of Athens embraced in its immediate jurisdiction the district of Attica only, with one or two small islands; the whole was not equal to more than one third of the state of Delaware; and its free inhabitants, according to the most accurate and probable computations, were but about equal, nay, were not quite equal, in number to the present population of Rhode Island. Yet from the days of Miltiades to the death of Demosthenes, what a rapid succession of men of the highest endowments! Nor were the talents of the greatest of them ever able to secure them from rivals. The contest of parties was fierce; yet when the popular will had removed one set of men from the public service, the state never suffered in any of its interests; others were always at hand to command the armies, to direct the fleets, to control the commonwealth. It never will cease to merit admiration, that on one little spot of earth, there should have lived, and almost contemporarily with each other, so many men, in whom mankind continues to take an undiminished interest. The free population of Athens, in its days of glory, was smaller than that of Boston; and Attica itself is inferior in extent to any one of the larger counties of our commonwealth.

To pursue an analogy or a contrast between the republics of antiquity and our own confederacy, would lead us from our



purpose. The comparisons we have made, were solely for the sake of calling to mind the very small physical force of the countries, which gave birth to modern culture. But were we now to compare Greece with that modern sovereignty, which claims the highest rank, we should find the most surprising points of difference. The imperial house of Austria has been accustomed to take precedence of other European sovereigns. Yet in the long line of those who have stood at its head, in the crowds of its servants in the civil department and in war, how many are there whom humanity would vindicate as her ornaments? How many of them live in the recollection of the world? Eugene, the brightest name in the whole list of the Austrian service, was a foreigner; his associates in power, and the emperors under whom he successively served, were hardly distinguished, except for their rank and their pusillanimity. The history of the republics of Europe, whether of Italy in the middle ages, or of ancient Greece, or of Holland, has a charm, which belongs to no part of the annals of Austria. In the one case, we seem to be travelling in a country where nature has assembled, in close proximity, all that she possesses of the beautiful and the grand; in the other case, as we descend the stream of time, we seem to be sailing down a sluggish current, and are carried through a wide but level country, where hardly a single cliff frowns in solitary grandeur, and a brighter spot is but seldom seen to interrupt the languid gloom of a barren monotony.

This view is forced upon us by the consideration of the whole subject. It is pitiable to see the moral weakness, which seemed at times in the sole possession of the government of the Austrian state; the imbecility, which lost Serbia to Christendom, and so repeatedly changed the sovereignty of provinces. But if we pass from considering the merits of those, who made their way to the cabinet of imperial favor, and limit our attention to the talents of the men who have been on the throne, we shall find still less to admire. The Turks are the only nation of Europe, which can show a long succession of sovereigns of superior ability. According to the doctrine of Mr. Jefferson, it must have been because their sovereigns did not intermarry with royalty only; the breed was crossed by the liberty of the seraglio. But a less remote reason may be found in the fact, that the dignity of the sultan was in some measure an elective one; and that the numerous family of the reigning prince always

furnished many candidates for the succession. For the rest, the sovereigns of Christendom, most celebrated for their worth, would, with very few exceptions, have hardly raised themselves above a private station. The reigning princes of the age, whom Mr. Jefferson so unsparingly censures, were considered as an improvement on all that had preceded.

Of the sovereigns of Austria, there is perhaps no one whose praise is more unanimously repeated in the states which she swayed, with affectionate respect, than that of Maria Theresa. But that celebrated woman was superstitious and intolerant; and in other respects, in her acknowledged virtues, resembled any other matron, the fond mother of a large and hopeful\* family. She was a faithful wife, a charitable woman, and a spirited regent; but her administration will not be clear without bearing in mind, that she had younger sons to provide for, and daughters to establish; and her favorite minister may have owed a good deal of his influence to his zeal in assisting the empress by all the wiles of diplomacy to marry her daughters well, and introduce into her family the most powerful princes and kings. It is because she was distinguished for the virtues of a wife and a mother, that she has been so much extolled in comparison with Elizabeth of England and Catharine of Russia. If she possessed original genius, a powerful mind, or very extraordinary talents of any kind, history has failed to preserve the clear marks of them. Of the Austrian monarchs, Charles V. is undoubtedly the most known. The panegyrists of royalty, assigning to him all kinds of distinction, claim for him also the merit of a wit. When at Brussels on some gala day, the ladies of the high Spanish and Neapolitan nobility were disputing about precedence in entering a church, 'Let the greatest fool go in first,' was the prompt reproof of imperial petulance. When on another occasion a captain in his service, rather arrogantly boasting of his courage, asserted that he did not know what fear was, 'Then,' said Charles, 'the man never snuffed a candle with his fingers, or he would have been afraid of burning them.' This homely rebuke is much better than the other; and if any one of the sons of Hapsburg ever said a wittier thing, their faithful but rather prosing and time-serving Plutarch has failed to record it.

Royalty itself is in the eyes of its subjects so majestic, that

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\* She had sixteen children, ten of them daughters.



moderate merit, belonging to it, is sure to be examined through a prism, and to receive a size and a coloring, which are unlike the reality. Does a monarch show a little ability in some one department? He is immediately exalted as a prodigy. Does he gain some crude notions of the benefit of free competition in business, and the nature of civil liberty? The world wonders where he could have gained his wisdom, tacitly acknowledging that the man whom the laws predestine to be a ruler, is least likely to acquire the knowledge necessary for his station. Does he show something of the curiosity, which is felt by thousands of private men, and arrive at some conclusions, which tend to diminish the severity of hereditary injustice? There will never be wanting flatterers or dupes, even among those pretending to be faithful historians, to extol his freedom from antiquated prejudice, and his sure sagacity of judgment.

Is it wonderful then, that there have been many, who have exhibited Joseph II. of Austria as a model of political wisdom and a genuine benefactor of humanity, while others have denounced him as a greedy despot, who assumed the mask of philosophy to disguise the excess of his covetousness, invaded the sacred rights of his subjects under the pretext of a fictitious philanthropy, and pleading a desire to secure the liberties of his subjects, aimed at the consolidation of an unlimited authority?

It cannot but be acceptable, to find that at last a series of his private and confidential letters has been printed. There was already before the public much that the emperor had written; but nothing so peculiar, so bold, and so sincere as may be found in the volume, which has led us to the present discussion. The letters, here communicated, were never intended for the public eye. Hence they are the more interesting and the better worth the public attention. There is a little mystery about the manner in which they came to be printed; but their authenticity is not questioned.

We shall allow the Emperor to speak for himself, giving a series of extracts from letters, which extend from his election to the rank of king of the Romans to the latter part of his life. Europe is still so divided by parties, that there the merit of any individual, whose influence is connected nearly or remotely with the French revolution, can hardly be justly appreciated. But in America no interest can exist, except to do justice; and in a country where there is no distinction of ranks, and no res-

pect of persons, it will give general pleasure if, on removing the splendid exterior of royalty, there should be found under its costly apparel the virtues of a man.

*To the Grand Chancellor of the Empire, on being elected King of the Romans.*

It is my sole wish, that my abilities may be sufficiently suited to the circumstances and to the dignity conferred on me. On the uprightness of my character, the sincerity of my designs, and my determination to maintain our national freedom, you may place implicit reliance. \*\*\*\*\*

*Frankfort, April, 1764.*

*To Charles, Prince of Balthyan.*

My dear Prince,—We travelled in company of the Grand Duke of Florence and the two Arch Duchesses Anna and Christina, to Inspruck, to be present at the marriage of my brother, when on the 18th, the melancholy catastrophe occurred; the emperor was suddenly struck with apoplexy, and expired in my arms.

My dear Prince, it is beyond the ability of a human being to depict the high degree of grief, the excess of sensations so clearly, as the heart of a son feels them on losing his father, by whom he was convinced that he was loved.

\* \* \* \* \*

I am now four and twenty years of age. Providence has in my early days given me to drink of the cup of affliction; for I lost my wife after I had possessed her hardly three years.—Dear Eliza! you will never be forgotten by me—and since your death I have felt sorrows that cannot be expressed. \*\*\*\*\*

*Inspruck, August 20, 1765.*

*To one of the Generals in the Imperial Service.*

General!—Put Count Von K. and Captain W. instantly under arrest. The Count is quick, young, proud of his birth, and full of false notions of honor. Captain W. is a veteran soldier, who insists on setting every matter right with sword and pistols; and who at once treated the challenge of the young Count with passion.

I wish, and will suffer no duel in my army; I despise the principles of those who defend the practice, who seek to justify it, and who shoot each other in cold blood.

When I have officers who bravely expose themselves to every danger from the enemy, who on every occasion that arises, display spirit, courage, and decision in attack and in defence, I

prize them highly ; the indifference, which at such seasons they manifest for death, serves their country and advances their honor.

But should there be among them men, who are ready to sacrifice every thing to revenge and hatred of their enemy, I despise them ; I hold such men to be no better than Roman gladiators.

Institute a court martial on these two officers, with the impartiality which I require in every judge ; investigate the subject of their contest ; and let the one who is most to blame, be the sacrifice of his destiny and the laws.

Such a barbarous custom, which is suited to the age of the Tamerlanes and the Bajazets, and which has often had such melancholy effects upon single families, I will suppress and punish, though it should cost me the half of my officers. There yet live men, who unite loyalty with heroism ; but none can do this who do not respect the laws of the state.

*August, 1771.*

The letters which follow, will illustrate the Emperor's manner of thinking on the subject of religion, at the time when his mother was still at the head of affairs, and himself nominally her colleague.

*To the Duke de Choiseul.*

Sir,—For your confidence I thank you. You could count upon my support if I were ruler, and you have my entire approbation in respect to the Jesuits, and the plan for the abolition of their order.

Do not reckon much on my mother ; the attachment to this order has become hereditary in the family of Hapsburg. Clement XIV. himself has proofs of it.

Yet Kaunitz is your friend ; he has unlimited influence with the empress ; he agrees with you and the marquis of Pombal as to their dissolution ; and he is a man who leaves nothing half executed.

Choiseul ! I know these people as well as any one ; I know all their designs, which they have carried into effect, their efforts to spread darkness over the earth, and to govern Europe from Cape Finisterre to the North Sea.

In Germany they were mandarins, in France academicians, courtiers, and confessors, in Spain and Portugal grandees of the nation, and in Paraguay kings.

*January, 1770.*



*To the Count de Aranda.*

\* \* \* \* \*

An institution, which the enthusiastic imagination of a Spanish veteran devised in one of the southern countries of Europe, which aimed at universal dominion over the human mind, and with this purpose strove to subject every thing to the infallible senate of the Lateran, could not but be a wretched gift for the present race of Germans.

The syndrium of these Loyolites made their fame, the extension of their greatness, and the darkness of the rest of the world, the first object of their plans.

Their intolerance was the cause why Germany had to endure the misery of a thirty years' war. Their principles deprived the Henrys of France of life and crown; and they were the authors of the edict of Nantz.

The mighty influence which they exercised over the princes of the house of Hapsburg, is too well known. Ferdinand II. and Leopold I. were their protectors to the last breath of their lives.

The education of youth, literature, rewards, the disposal of the highest dignities in the state, the ear of kings, and the heart of queens, every thing was entrusted to their wise direction.

\* \* \* \* \*

If I were capable of hatred, I could not but hate the race of men, who persecuted a Fenelon, and who produced the *Bulla in coena Domini*.

*Vienna, July, 1773.*

The communication to Frederic is in a new style of diplomacy. It was occasioned by the war, into which the aged hero believed himself compelled to enter, to prevent the incorporation of Bavaria with the hereditary states of Austria. Hostilities were terminated by the peace of Teschen, before any very brilliant achievements on either side.

*To Frederic II. King of Prussia.*

\* \* \* \* \*

It seems to me you bear it too much in mind, that you are a successful general; that you have 200,000 well trained soldiers, and a colonel who has written a commentary on the work of *Cæsar de bello Gallico*. Providence has given as much to several other powers beside Prussia. If your majesty finds pleasure in leading 200,000 men to the battle field, I will meet you with as many. Will you try if you are still a successful general? I am ready to satisfy your love of fighting; and finally,

as to writing books on the art of war, I could name to your Majesty a couple of generals of mine, who have retired on pensions, and who from mere *ennui*, are commenting on the commentaries of the Count de Saxe.

I hope to find you on the banks of the Elbe; and when we have battled it, and given Europe a comedy of obstinacy, we will sheathe the sword.

*Je savais bien que vous étiez fâché contre moi.*

*Jaronius, July, 1778.*

*To one of his Friends.*

\* \* \* \* \*

With this view Teschen was fixed upon as the place for the Congress. Upon this a great number of ambassadors appeared, and with vast wisdom toiled for three whole months at a peace, which leaves to Austria a small portion of Bavaria, that had already been acquired.

They did not fail to make the advantages of it appear very plain to the Empress, my mother, and to show the power of the King through a prism. Upon this they saluted each other with a world of compliments; and at Vienna sung and fired 99,000 Te Deums.

True, to spare the Empress pain, I confirmed the peace, and gave guaranties. But herein I can only compare my conduct with that of Charles V. in Africa, who returned to Spain with his fleet after a disgraceful campaign; he too went on board ship, but he was the last who did so. \* \* \* \*

Live contented as a sage; enjoy the attractions of your private station; and above all things, do not envy the felicity of kings.

*Vienna, May, 1779.*

Thus far Joseph was but an associate in power. We shall now see how he writes, as autocrat and emperor.

*To the Duke de Choiseul.*

\*\*\* The influence, which the clergy possessed during the reign of my mother, will be another object of my reforms. I do not like to see, that people, to whom the care of the future life is committed, give themselves so much trouble, to make our life here below an object for their wisdom. \*\*\*\*

*Vienna, December, 1780.*

*To the Archbishop of Salzburg.*

\*\*\* The internal administration of my states demands a reformation without delay. An empire which I govern, must be ruled according to my principles; prejudice, fanaticism, partial-

ity, and slavery of the mind, must be suppressed, and each of my subjects put in the enjoyment of his native liberties.

The monastic life has gained too much the ascendant in Austria; the number of foundations and cloisters has increased extraordinarily.—When I have torn away the veil from the monastic life, when I have banished the Arachne's web of ascetic doctrines from the lecture-rooms of my universities, and transformed the mere contemplative monk into the active citizen, then perhaps some of the party of zealots may reason differently about my reforms.

I have a hard task before me; I am to reduce the army of monks, fashion men out of *fakirs*, before whose shaven head the rabble reverently kneels, and who have gained a greater dominion over the heart of the citizen, than any thing which could make an impression on the human mind. Adieu.

Vienna, February, 1781.

*To Cardinal Herzan, Imperial Minister at Rome.*

My dear Cardinal,—Since I ascended the throne, and have worn the first diadem of the world, I have made philosophy the law-giver of my empire.

In accordance with its logic, Austria will receive a new form, the importance of the *Ulemas* will be restrained, and the rights of the crown regain their dignity. I must remove from the sphere of religion some things, which never belonged there.

Since I despise superstition and the Sadducees, I will free my people from them. To this end I will dismiss monks, break up their cloisters, and subject them to the bishops of their diocese.

In Rome they will call this an invasion of the rights of God; I well know they will exclaim, the glory of Israel is fallen; and complain that I take from the people their tribunes, and draw a dividing line between religion and philosophy; but they will be still more angry, that I undertake all this without asking leave of the servant of the servants of God.

To these things we must attribute the decline of the human understanding. A servant of the altar will not acknowledge that the state does but confine him to his proper sphere, in leaving him no employment but the gospel, and in preventing by law the children of Levi from possessing a monopoly of human reason.

The principles of the monastic life, from the days of Pachomius to our own, have been diametrically opposed to the light of reason; they proceed from the esteem of their foundations to the adoration of them; and thus we see revived in them the Israelites, who went to Bethel to adore golden calves.



I will take care that the building, which I have erected for futurity, shall be permanent.

*Vienna, October, 1781.*

In the following letter to Van Swieten, Joseph perhaps betrays a passion to be esteemed in his turn as an author.

My dear Friend,—I hardly know how some monarchs have fallen into the folly of acquiring literary distinction; and seek a sort of greatness in making verses, or drawing a sketch for a theatre, to be a *pendant* to the works of Palladio.

True, I perceive the obligation of kings to be not wholly unacquainted in the empire of science; but I deem it wholly unnecessary for a monarch to pass his time in writing madrigals.

The Margrave of Brandenburg took the lead in a royal sect, which is occupied in writing memoirs, poems, and essays on various subjects. The Empress of Russia followed the fashion, read Voltaire, and wrote poetry; Stanislaus Lesczinsky, and the King of Sweden, confined themselves to private letters.

The causes of all this are as strange, as the products of their minds. The King of Prussia began his academic employments at Rheinsberg, where his father exiled him, and where he could hardly maintain a state equal to that of a colonel in my armies. When he came to be king, he continued his learned occupations; at once a host of French champions gathered round him, and sung his victories in Silesia; that is, the conquest of a country, which had two regiments of infantry for its garrison, and which he overrun with 40,000 men. Afterwards the passion for making verses drove him to establish a friendship with Voltaire, which was, however, interrupted, renewed, broken off, renewed again and continued to the death of the watchmaker of Ferney.

The Empress of Russia undertook it from pride; she endeavored to shine in every department of fame; the rest was done by time and circumstances, friendship and passion, and a portion of vanity to boot.

Stanislaus was a good sort of a man; he saw visions like the Abbé de St. Pierre, and had it been possible, would have commanded peace to all the earth. His Majesty of Stockholm had other motives; Gustavus was treated in Paris with great attention, and after his return wrote such tender letters to Paris and to the court of Versailles, that they were compelled to pay him the compliment, that besides being a king he was a very amiable private man.

Such are my views on these matters. To me neither the great Grecians, nor Romans are unknown; I am conversant with the history of the German empire, and with that of my dominions in

a special manner ; but my time has never allowed me to manufacture epigrams or hammer out Vaudevilles. I have read, to gain instruction ; I have travelled, to enlarge my knowledge ; and in giving assistance to men of letters, I do them a greater service than if I should employ them to aid me in turning out sonnets at a writing desk. Adieu.

*Vienna, December, 1780.*

Compare the instructions given by Napoleon to his brother, the King of Holland, with the following letter, addressed by Joseph to his youngest brother, on becoming Elector of Cologne.

You know your duties perfectly, my dear Prince ! As a Mentor I have nothing to say ; but as a friend, permit me to make you acquainted with your new dignity.

As elector, you are one of the first princes of the empire. *Forget that the Emperor is your brother, and that you are a Prince of my house ; sacrifice yourself wholly to the country and to your people.*

The letter to the magistrates of Buda, is too boastful.

I thank the magistracy and the citizens for the intended honor of a statue, to be erected in one of their public squares. To facilitate the transaction of business, and the better to oversee the offices of the kingdom, I have concentrated them in Buda, and the city thus accidentally acquires some advantages ; but for this such an honor is really not merited.

Yet when I shall have made the Hungarians recognise the true relations between king and subjects ; when I shall have removed all spiritual and all civil abuses ; when I shall have awakened activity and industry, made commerce flourishing, and provided the land from one end to the other with roads and navigable canals, as I hope to do ; if then the nation will erect a monument to my honor, I may perhaps have deserved and will then gratefully accept it.

*Vienna, June, 1784.*

Two letters will illustrate his views of the rights of noblemen.

*To the Chancellor of Hungary.*

The privileges and liberties of a nobility or a nation, in all countries and republics of the world, consist not in the right of contributing nothing to the public burdens ; on the contrary, they bear more than any other class, as in England and Holland ; but those privileges consist solely in this, that they may impose



on themselves the burdens required by the state and the common advantage, and by their consent take the lead in the increase of the taxes. The liberty of persons is carefully to be distinguished from that of possessions; in respect of which the proprietors represent not the nobleman, but simply the cultivator or the grazier, and in cities the citizen and consumer, in the highway and on the passage, the traveller merely and the passenger; in which cases, for the sake of preserving the free competition that alone makes the system useful, they must be put on an equal footing, according to their possessions, with all other citizens and inhabitants.

*Vienna, July, 1786.*

*To a Lady.*

Madam,—I do not comprehend the obligations of a monarch, to give an office to one of his subjects because he is a nobleman. A man may be the son of a general, without the least talents for an officer; a cavalier of good family, without having any other merits than that by the sport of fortune he has become a nobleman.

I pity you, madam, that your son is fit neither for an officer, nor for a statesman, nor for a priest;—in short, that he is nothing but a nobleman, and that with his whole soul.

I hope you are impartial enough to see the reasons that have compelled me to a decision, which will perhaps be disagreeable to you, but which I have considered necessary. Adieu, madam.

*August 4, 1787.*

We close our extracts with two of the letters in which the Emperor gives his own character, and enters upon the defence of his administration.

*To a Lady.*

Madam,—You know my character; you know that I choose the society of ladies only for recreation after business; and that I have never sacrificed my principles to the fair sex. I listen to their recommendations but seldom, and then only when the object of them is a worthy man, who at any rate would not have long remained unknown to me.

Two of your sons are already established; the elder, not yet twenty years old, is a captain of cavalry in my army; and the younger receives of the Elector, my brother, a canonicate in Cologne. What will you have more? Ought not the first already to be a general, and the second to have a bishoprick?

It is a duty to be upright at court, severe in the field, stoical without harshness, and magnanimous without weakness, and by

just actions to win even the esteem of enemies; such are my sentiments, madam.

*Vienna, 1787.*

*To one of his Friends.*

My Friend,—Because there have been Neros and a Dionysius, who went beyond the proper limits of their power; because there have been tyrants who have abused the force, which destiny put into their hands, is it therefore reasonable, under the pretext of anxiety to preserve the rights of a nation for the future, that a prince should have all possible obstacles thrown in the way of measures, which have no other object, than the welfare and advantage of his subjects?

Since the commencement of my reign, I have at all times endeavored to conquer the prejudices against my rank; have taken pains to win the confidence of the nations under my sway; and since I ascended the throne, I have often given proofs, that the welfare of my subjects is my passion; that to satisfy it I shun no labors, no pains, and I may add, no torments, and that I carefully consider the means, which may bring me nearer to the designs which I have proposed; and nevertheless in my reforms I every where meet with opposition from those, of whom I had least expected it.

As a monarch, I do not deserve the distrust of my subjects; as ruler of a vast realm, I must have the whole extent of my dominions before my eyes; this I embrace at a glance, and cannot always have regard to the separate voices of single provinces, which consider only their own narrow circle.

My private good is only a chimera, and while on the one side I abandon it as a sacrifice to my country, I can in return participate in the general welfare! But how many are aware of this!

If I were unacquainted with the duties of my station, if I were not morally convinced, that I am destined by Providence to bear my diadem with all the weight of obligations, which are imposed upon me with it, disgust and discontent with my lot, and the desire not to exist, would be the sensations, which would force themselves on my mind. But I know my heart; I am inwardly convinced of the honesty of my intentions, and hope that when I shall be no more, posterity will more reasonably, justly, and impartially investigate, prove, and pass sentence on what I have done for my people.

*Vienna, October, 1787.*

Having by these copious citations, put the reader in possession of Joseph's own views, we have a little to add on the character of his administration. It was his greatest fault, that he

would himself govern; that he considered his own will the main-spring of the administration, and desired to find in others only willing instruments to execute his commands.

The talent of Joseph for the internal administration of his states resulted from his wakeful curiosity, his extensive acquisitions, his untiring activity, and his earnest zeal for the prompt execution of his schemes. Nor can it be denied, that he was just, except when justice would have required the abandonment of a favorite plan; and that he sincerely wished to develop to the utmost the resources of his hereditary states.

He came to the throne, determined to have but one uniform system throughout his wide dominions. He forgot, that a weak mind is apt to demand such a uniformity, while a strong understanding knows where and when to allow the existence of differences. In the attempt to reduce all things to one standard, to equalize all burdens, to establish but one mode of transacting business in states, as various in language and customs as in hereditary privileges, Joseph was engaged in a contest with the prejudices of centuries and the rooted habits of his time. Irremediable difficulties presented themselves to impede his scheme. The monarch grew impatient and wavered. Throngs of remonstrants crowded round his person; all were freely admitted; complaints increased and were listened to; and modifications of his early measures ensued. These modifications could but increase the evil; and render the uncertainty greater than before. The confusion grew worse. This excited the insubmissible prince to insist on the execution of his decrees by force. But violence could not reach the difficulty, which lay in the habits and character of his subjects; while it still further alienated the affections of those, whose condition he wished to improve. Then the Emperor receded. Upon this the factious triumphed, and grew more factious than before; at last all respect for authority was gone, revolt ensued, the Emperor fairly knew not what to do, and the best disposed of his people were left in a strange uncertainty between the ancient usage and the reform. Such is philanthropy without firmness. So much do the sterner virtues of fortitude and justice surpass the milder merits of benevolence and mercy.

The causes of the little success, that attended the reforms of Joseph, are to be looked for partly in himself, and partly in the nations which he ruled. *They* were unripe for the rapid course of change; *he* was unskilful in his manner of urging im-



provement on those whom he desired to influence ; and, generally, was deficient in tact, in his intercourse with others. The officers of government, who were necessarily made his agents, in part did not comprehend his system ; many doubted if he had a feasible system ; some were, from their interest or prejudices, secretly, but vigorously opposed to it ; and thus it came to pass, that even to the Emperor himself, his innovating measures, which were to break down the bulwarks of fanaticism, and establish the empire of philosophy, remained in a great measure but a mass of waste paper, filed away in the bureaus of state. Frederic II. was irresistible in the steady firmness, with which he moved towards the execution of his boldest measures in the internal administration ; and would have been inexorably severe against any, who might have attempted to thwart his purpose. But Joseph, precipitate in issuing his edicts, knew not how to overcome opposition ; and contented himself with addressing to all the officers of state a sort of imperial homily, a mixture of eloquence, commonplace sentiments, sound philosophy, and dictatorial haughtiness. It probably produced no more effect, than the invectives of an irritable man, uttered in a moment of excitement. After all, there is no such thing in nature as *absolute*, though there may be *irresponsible*, power.

The Emperor's passion for reform was so strong, that he went far beyond the most extraordinary performances in excessive legislation of any of our state legislatures. A set of resolutions, aiming at a change in the fundamental laws of the country, would require of Congress a six weeks' discussion ; Joseph, within the course of three years, issued at least two hundred and seventy six laws of a general nature, and obligatory on all his dominions ; while the number of special edicts for the immediate territory of Austria was too great to be readily counted.

The contrast between the state of intelligence prevailing in Austria, and the culture in the neighboring Protestant countries was apparent even to Maria Theresa. 'How comes it,' said she one day to a Protestant (Von Moser) in her employ, 'how comes it that clear heads are more common among you Protestants?' 'It is' replied he, 'because we put more windows in the house.' Maria Theresa was a devotee, though a woman of benevolent feelings ; but Joseph proceeded with great, yet too hasty philanthropy to give liberty to thought, and repeal the heavy penalties which prevailed against dissent.

To the citizens of the United States, in which there is no

established sect, the idea of toleration is unacceptable, because it implies subordination, and is a mark of inferiority and weakness. To those, who are not Catholics, and yet live in a Catholic country, the word seems fraught with the richest blessings of religious liberty. An edict, proclaiming unlimited toleration, was among the first measures adopted by Joseph, in a spirit of unprejudiced justice. He also viewed it as a wise political act, which might transfer to his dominions the industry of Protestant countries, and cause intelligence to spring from the unrestrained conflict of opinions.

But the praise, which is awarded to Joseph, requires limitation. The Emperor, like most of his contemporaries in Europe, did not exactly know how much toleration included. His edict allowed the free confession of opinions without any civil inability, consequent on dissent; and the unrestrained exercise of public worship, wherever a dissenting parish could provide the necessary funds. Now the former severity of the government had induced many to conceal their sentiments; and the number of Anti-catholics, claiming the benefit of the edict, was great beyond all expectation. The Catholic clergy interfered, and attributed the numerous secessions from their parishes to a wavering love of novelty and change. So the tolerant Joseph enacted, that there should be a limit of time, within which all who had been esteemed Catholics, but who wished to pass for such no longer, might report themselves; after the expiration of the time thus fixed, every one, who had apparently been a Catholic, and had not signified any wish to the contrary, should ever after and at all hazards remain of the Roman church. Those who reported themselves, however, were to be instructed in the Catholic faith, and converted, if possible; if they remained firm, they might have permission to join another sect. Power being on the side of the clergy, the instruction, which was given, consisted often in threats, abuse, and personal violence. It was now right for the Protestants to complain. Joseph listened and issued new orders. The minds of the people were unsettled, and neither party had a distinct understanding of its condition.

The Catholic clergy complained, that their revenues were impaired. The Emperor ordered, that taxes should be paid by the Dissenters to the Catholic priesthood, as before. The Protestants were thus left too poor to provide themselves with suitable teachers, and a multiplicity of sects seemed about to

ensue. Joseph began with absolute toleration; but now he became provoked, that plebeian ignorance should venture to think for itself, and henceforward was willing to tolerate none but Lutherans and Calvinists.

There existed a singular sect, of which the members were called Deists, or Abrahamites. They were the relics of the early reforms in Bohemia. When the spirit of persecution raged against all who were suspected of heresy, the civil authority had taken from them their bibles and Protestant books of devotion, and they were thus left to profess Christianity, independently of any written documents. Hence their name, since, like Abraham, they had no Scriptures. Such an attachment to the opinions of their fathers, secretly passing from one generation to another, among an unenlightened peasantry, unsupported by books, visible union, or external forms, seems to us a most remarkable phenomenon in the history of the human mind. These poor men now came forward and claimed to be tolerated. Their case merited from our enlightened and philanthropic Emperor the benefit of a special edict. 'Whoever reports himself as a Deist, shall, without inquiry, at once receive twenty-four blows *ad posteriora*,' (we quote the words of the law) 'and the punishment shall be repeated as often as he so reports himself, not because he is a Deist, but because he says he is that, of which he does not know the meaning.' Such is toleration. Under the most severe penalties, these Abrahamites were ordered to rank themselves with one of the three great sects. Otherwise their children were taken from them, and they themselves, without respect to age, or sex, separated from each other, exiled from their ancient homes, subjected to the worst public services, or banished to Transylvania and the Bannat, where, from the proximity of Turkey, a sort of Babel of religions was licensed.

In giving civil liberties to the Jews,\* Joseph encountered fewer difficulties. He began with a general rule, which took from them the heavy restrictions, under which they had been permitted to exist. In doing justice to them, the Emperor made their condition in his dominions more favorable than it

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\* 'Den Priester rufst du wieder zur Jüngerschaft  
Des grossen Stifters; machest zum Unterthan  
Den jochbeladen Landman; machst den  
Juden zum Menschen,'

says Klopstock, in an Ode, of which this first verse is the best.



was elsewhere. His subjects complained, that the imperial justice operated as a bounty to attract Jews from all quarters. He, therefore, made some modifications in his first act, which, however, still left the condition of that nation far better than it had been before. The example of justice was soon imitated by neighboring states.

The most difficult task, which Joseph undertook in regulating the religious concerns of his states, was the reform of abuses in the established hierarchy. He was determined to set bounds to the influence of the Pope, and allow him no voice, except in cases of doctrine.

A beginning was made with the monastic orders. The members of them were commanded to discontinue their dependence on the superior of their orders, and to submit themselves to the bishop of their diocese in matters of religion, but in other concerns to the regular civil authorities. The monks replied, that the monastic vow was binding upon them, and that its obligation could not be dispensed with; of course the superior must still be obeyed. To end the discussion, Joseph abolished all monasteries and nunneries, of which the members led the idle, contemplative life. At that time the Austrian monarchy contained two thousand and sixty-nine cloisters, and sixty-three thousand persons, attached to them. The cloisters\* were all broken up, and the nuns and monks turned on the world, except such as were engaged in some directly useful employment. He also forbade religious processions, attempted to restrain superstition, and prohibited the mummeries, usual in the church festivals.

In all these measures, Joseph proceeded without any reference to the wishes of the Pope; and such danger seemed to threaten the interests of the church, that the Sovereign Pontiff, having full confidence in the power of his eloquence, determined to appear personally at Vienna, and to check the progress of change by an attempt at direct interference. It is not consistent with our limits to explain how unavailing the journey proved to be; Kaunitz was far too wary, and Joseph far too vain, to be circumvented by the remonstrances, the eloquence, or the entreaties of the illustrious guest. Pius VI. was called by the women the handsome Pope; his fine voice and

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\* Brissot, in his letter to his constituents, is bitterly unjust to Joseph, and insists on inventing for him unworthy motives.

stately person made him peculiarly suited for display on the great days of ceremony ; his dress was always arranged with scrupulous neatness, and a careful rehearsal preceded his appearance in any of his most important functions. Such a pope might charm the fashionables of Vienna ; throngs of devout admirers crowded to secure the benefit of a blessing, so gracefully distributed, and, for the accommodation of the pious, his slipper was daily left in the antichamber to receive the kisses of the orthodox. But the impenetrable secrecy, and the phlegmatic vanity of Kaunitz left no opportunity for opening a successful negotiation ; and Joseph was only gratified in his self-love, that now for the first time for more than a thousand years, for the first time since the days of Charlemagne, the head of the church had repaired, and almost as a suppliant, to the Imperial Court. So little influence was exercised, that the very day, when Pius on his return had been accompanied by the Emperor as far as the convent of Mariabrun, and had there received the most tender demonstrations of regard at the farewell, which was taken in the presence of the people, was selected to announce to the monks the abolition of that cloister.

In addition to the bitterness of having displayed his inability to resist the encroachment of the Emperor, the Roman Pontiff had now to regret the sacrifice of the dignity of his office. The disputes continued, and at last a communication from Rome gave so much offence to Joseph, that he returned it without any written answer, but with the verbal message, that he presumed the document had been forged by some ill-disposed person, and had received the papal signature without having been read. The Emperor was now ready for a formal rupture with the Roman See, and for proclaiming the entire independence of his states in religious concerns. He was prevented from doing so by no respect for the church, but by a consideration of the difficulties, which would have attended such a measure, and which would have diverted him from other favorite schemes.

In his intercourse with foreign nations, Joseph is not always entitled to the praise of good intentions. It was he, rather than his mother, who was a partner in the plan for dividing Poland ; and in his intercourse with Holland, Bavaria, and the Porte, he manifested a restless passion for aggrandizement, which, by its very intensity, defeated itself, leading him to pounce



continually on the weakest of his neighbors, and drawing him off as often by the prospect of some more alluring game. In none of his negotiations with foreign powers does he appear in a less favorable light, than in the contest with Holland. Ancient treaties refused to his Belgian provinces the privileges of foreign commerce. Joseph asserted for his subjects their natural rights, in virtue of the intrinsic justice of the demand, and because the ancient treaties had lost their force by the effect of subsequent transactions. If there was justice in the demand, there was no palliation for renouncing the privilege anew in consideration of a gratuity in money. As a financial speculation, it was ignoble. It was making the weak pay for being left in peace.

The war against Turkey was unwise, and, we must add, unjust; and for it Joseph had to atone by the loss of all military reputation, and of his health, which gave way under a consumption, engendered by the fatigues and exposures of his first campaign. 'To be a soldier,' he said in his farewell to the army, 'was always his most decided propensity.' Since he attained no eminence in war, he passed a severe sentence on himself, in avowing his predilection.

The early education of Joseph was unequal. The history of the states, which he was to govern, was taught him in a manner the least suited to benefit him; and his mother would have held herself deficient in her duty, had she not provided carefully for his instruction in religion, according to the notions of a bigotted priesthood. But he also acquired, besides the German, which he wrote uncommonly well, the French, the Italian, and the Hungarian languages; and by means of the Bohemian he was somewhat familiar with those of the northeast of Europe. He seems also to have possessed a lively curiosity, which was subsequently strengthened by travelling, and by frequent intercourse with intelligent men. It is said, to the honor of his nationality, that he insisted on the use of German at his court, though his mother had used, and the Austrian nobility still preferred, the French.

In domestic life he was unhappy. His first wife, whom he tenderly loved, died in about three years after marriage, on the birth of her second child. His second wife he never loved, and she did not live to bear his indifference long. The only surviving daughter of his first wife died when about eight years old, and Joseph had now nothing but his country, on which to

concentrate his affections. He had consented against his will, to his second marriage, from reasons of state ; but being again left a widower, he faithfully cherished the recollections of his youthful happiness, and for more than twenty years he was not for a single day under the control of woman. Neither had he any political favorites. He was fond of his brothers and sisters, and took a lively interest in their domestic concerns ; but he was far above all *nepotism*.

In his personal expenses he was sparing, that his finances might the better bear the cost of public improvements. His economy was one cause of the hostility of many, who had expected abundance from his munificence. His dress and personal manners were remarkable for their simplicity.

His pleasures were the theatre, travelling, and music. In the latter he could have been no connoisseur. A story is told in the life of Mozart, that the Emperor, after hearing one of that great master's very difficult works, said goodnaturedly to him, 'Very fine, very fine ; but you have put into your composition terribly many notes.' 'Just exactly enough, your Majesty,' said the offended musician, 'and not a single note too many.'

As a man of business, he was of untiring diligence. Few private men could be compared with him. It was the rule of Kaunitz, that most extraordinary compound of greatness and folly, never to do any thing himself, which he could possibly get done by others. Joseph's system was the reverse. He was for doing every thing himself. He slept on straw till his last illness ; and rose at five in summer, and before six in winter. His day was all labor ; he gave himself no respite ; he retired to rest just before midnight ; he was always temperate, and at all times ready to give his mind to public concerns.

Sensitive as he was, he could forgive opposition. He was accustomed to read the bitter strictures of the discontented on his administration ; and he really seems always to have believed himself to be doing what was right, at least what was most for the general advantage.

Joseph's reign continued hardly ten years ; he had occasion to learn many a severe and painful lesson ; perhaps had his life been spared, in the great school of experience he might have acquired moderation, and through trials and misfortunes have made his way to tranquillity. He died at a moment the most unfortunate for his fame. Yet the Prince, who in nine

years abolished vassalage, reformed the penal code, improved the whole system of national instruction, established the means of popular education, provided by a tariff\* for the protection of the Austrian system, colonized desert parts of his territories, introduced the liberty of the press, proclaimed toleration in matters of religion, turned Jews into men and citizens, abolished all useless monasteries, and founded hospitals and many endowments for the unfortunate ; such a prince can bear to have his faults exhibited, and yet preserve a claim to esteem.

If Joseph was philanthropic, he was in no less degree unfortunate. His subjects were so much accustomed to hear the clanking of their chains, that they distrusted every effort for their relief. Unhappy as a husband, unhappy as a father, unhappy as a ruler, his last hours acquire a sublime, tragic interest. Like the Hamlet of the poet, destiny seemed to have called upon him for the accomplishment of purposes beyond his strength, and he was too weak to gain the victory in a contest, which he had too much moral courage to shun.

There are many anecdotes related of Joseph, which represent him in a very amiable light. At Paris, in the midst of the most splendid regal entertainments, he would be found apart in a remote room, quietly conversing with some man of decided merit. Being asked if the routine of dissipation did not exhaust him, he replied, 'I do not burn my candle at both ends ; it is that which will save me.' In the kingdom of Wirtemberg, there is a particularly pleasant road, made by the side of the great highway from Stuttgardt to a neighboring palace of the royal family ; a large sign, like one of the boards by our bridges, indicating the rates of toll, declares that no plebeian wheels may roll upon it, and that the owner of a carriage must be of at least princely rank, or he cannot be allowed to raise a dust on the patrician pavement. In the same spirit the nobility of Vienna prayed, that the fine public walks in the suburbs of that city, might be closed, except to those of their rank. 'If,' answered Joseph, 'I would walk among none but my equals in birth and rank, I should have to stay with my ancestors in the vaults of the church of the Capuchins. I prefer men of virtue and talent to those who can only count princes among their progenitors.' 'His dress,' it was said of him in the early campaign against Frederic, 'is the dress of a soldier, his wardrobe

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\* His tariff was an injudicious one.



that of a lieutenant, his recreation labor, his life constant motion.' He was of undoubted bravery, and never shunned personal danger. 'How can I complain of dangers, when I see my Emperor's crown as much exposed as my cap?' said a grenadier, in a commendable antithesis for one of his rank.

There is a story related by Coxe, in which the Emperor, who often went about *incognito*, plays the part of another James Fitz-James, according to the lively picture of the Scottish bard. The daughter of an officer's widow made him the confidant of the unjust neglect, which their sufferings had to sustain from the Emperor. He promises, if she will go to the palace, to be her intercessor. The poor girl gratefully accepts his offer, and is overwhelmed with awe, when she finds that she has been abusing the Emperor to his own face. The generous monarch forgives and relieves. As a further proof of a liberal spirit, it is related, that Joseph, having inherited from his father, as a private patrimony, twenty-two millions of guilders in Austrian paper-money, consigned the whole to the flames. When in the Turkish war he had covered himself with shame and defeat, he sent Laudon to take his place. 'Go, dear Laudon,' said he, 'set my blunders to rights; I give you full powers.' We at least like the honesty of his answer on being asked his opinion of the revolution of our fathers. 'I am a royalist by trade.'

Frederic II. of Prussia, happening one day to see that a libel upon him, which some discontented person had affixed to the wall, was placed too high to be conveniently read, took it down himself and placed it lower. In this he showed good humor and good sense. We are not sure, that Joseph's imitation of this little matter, was a mark of taste or ability. He had assigned a Roman Catholic church as a place of worship to the Lutherans and Calvinists. A writing was one morning found on the door, full of bitter invective against the Emperor; he ordered the paper to be printed and sold for the benefit of the Protestant service. This indicated petulance and irritability, rather than greatness of mind.

The liberal principles of Joseph seem in direct contrast with his high birth, and his bigotted education. But the anomaly is explained by the influence of the example of Frederic. The glory of the veteran monarch naturally attracted the admiration of the aspiring Joseph, who was led to contemplate with wonder the military kingdom, which, with a moderate territory

and population, yet held the balance of power in Europe. The younger monarch determined to imitate, but he failed to bear in mind the difference between his own dominions and those of Frederic. In Prussia there existed no powerful nobility to watch the motions of the monarch; no ancient families, whose influence and grandeur were hereditary; no venerated and opulent hierarchy, having alike the sanction of time, of superstition, and of cherished religious faith; no jealously defended constitutions, securing to the several provinces of the monarchy their respective privileges, and endeared by the recollections of patriotism. The kingdom of Prussia admitted of unity in the administration, and contained within itself no obstacles to the system of military despotism. But Joseph found his hereditary dominions forming a kind of federative state, and he wished to give them an absolute unity, corresponding to his theory of an equal administration. He came to rule over nations, that spoke various tongues, and he thought by an imperial decree, to change the language of common life and of the law; he undertook to denationalize the strongest portion of his realms, and to take from the millions of Hungary, the tongue, which was associated in their minds with the best days of their early history, and with their proudest recollections. He saw that the usurpations of the church had by degrees acquired within his territory an authority, which claimed to be independent of the laws of the land; and he hoped by a series of edicts, unsupported by popular opinion, to overturn an established state of things, identified with all that his subjects venerated and feared. He forgot his relative position, and the reciprocal influence of circumstances, popular caprices, an obstinate regard for what was endeared by antiquity, and the vague but powerful influence of a superstitious faith. The more devotedly he sacrificed himself for his subjects, the more earnestly he gave up pleasure, tranquillity, and health, to the furtherance of his objects, the more critical did his own situation become. He was engaged in a struggle with the times; and his destiny found in them too powerful an antagonist. The more impetuously and warmly he rushed to the contest, the more unguardedly did he lay himself open to successful attacks. His imprudent exertions made opposition almost universal. His mother, a few weeks before his birth, at a time when her states were overrun by the French and Prussian armies, had said in her anguish, that in her wide inheritance she knew not the city, where she

could await her delivery in security. When Joseph came to die, he could have said, that he knew not the town in his realms, where his last moments would not be embittered by the din of clamorous remonstrance. The famous Oxenstiern of Sweden used to say, 'that he never took a care with him to his night's rest,' so exact was he in business, so serene in temper. Joseph never knew the enjoyment of rest in this world; and when he came to prepare for his last sleep, which nature renders deep, anxieties crowded round him to the last; so that a few hours before his death, he could beg for no more than this epitaph on his tomb, 'Here rests a Prince, whose designs were pure, but who had the misfortune to see all his enterprises shipwrecked.'

We may add, that the present Emperor of Austria was the favorite nephew and *élève* of Joseph.

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ART. II.—*American Literature.* An Article in the 99th Number of the Edinburgh Review.

It is always more or less provoking to be made the subject of abuse and sarcasm with or without just cause; and it is painful enough to see the character of the relations between two great countries vitiated by the paltry prejudices of a few obscure scribblers; but it is nevertheless curious, as a matter of philosophical study, and at times sufficiently amusing to mark the influence of national pride and jealousy on the tone of the British periodical writers in regard to the United States. We have already on several preceding occasions, adverted to this subject, and we rarely open a review, magazine, or newspaper from the mother country, without observing some new effect of the same cause. As regularly as their successive numbers issue from the press, each and all of them continue to carry on this—as they probably conceive—very pious warfare, according to their various measures of ability and habitual modes of handling the topics that come before them. The Quarterly reviles us, the Edinburgh sneers at us, Blackwood bullies us,\*

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\*The writer of a late article in Blackwood's Magazine, entitled 'Wellington at Cadiz,' containing an account of an entertainment given to his hero upon a visit to that city, goes out of his way to introduce the following episode, which we extract as a specimen of the tone of



the magazines show us up under no very brilliant colors in imaginary travels and journals from Kentucky;—even the poor bookseller's drudge, who gets up that humblest of all periodicals, the *Literary Gazette*, can afford to be merry at the ex-

that journal in regard to the United States. We hardly know whether to admire most the elegance and correctness of the language, or the liberality of the sentiments.

'The British Consul was honored with fifty cards, to be filled up with the names of such of the respectable merchants and their families as he should select. The Portuguese, Sicilian, and other foreign consuls, were complimented with tickets for their families; but in this liberal distribution of favors, by some oversight, the Consul for the United States was unluckily forgotten. The Republican Eagle was all in a flutter, at the unintentional indignity. On a representation to the committee by the Consul, an apology was made for the omission, and cards of invitation, in blank, to the number of twenty, were immediately placed in his hands as the '*amende honorable*'—but Jonathan made it quite a 'national' affair; insisting on an equal number of cards as were bestowed on the Consul of Great Britain. We were just then on the eve of a war with the *States* of stripes and stars, (and slavery.) Some private discussions took place, during which it is believed the wishes of the hero of the fête were consulted, and which ended, for the sake of harmony, in complying with the American Consul's *requisition*, (rather than request,) and fifty cards were *officially*, or at least more ceremoniously than cordially presented. *This concession (which was, I believe, the subject of a report to the States,) had the effect of introducing a mob of sleek-headed gentlemen from the Western world, (chiefly captains and super-cargoes from Philadelphia and New York,) in long skirted coats, and nankeen breeches—all redolent of tar and tobacco—among the embroidered crowd! But even their Republican vanity must have quailed under the mortifying sneers of the noble Señoras, who appeared to loath the touch of their tanned and ungloved paws.'*

The article is written throughout with a great outpouring of the heart, and seems to be a sort of sentimental prose poem, the author of which introduces himself as a witness of the scenes he describes. Should he be disposed to indite another work of this description in honor of the conqueror of Waterloo, we would venture to suggest to him, that as the nearest connexions of his hero have condescended to select their wives from the families of some of us *sleek-headed gentlemen of the West*, it is hardly agreeable to the rules of the art to make us the villains of the plot. It would also not be amiss, should the scene be laid in Spain, to consult the court calendar, so far as to ascertain the title of the Duchess of Benavente; and we would further express our doubts, whether the kind of triumph, which the hero is represented as achieving over the Duke of Frias and the Prince of Anglona, be well suited to form the catastrophe of a sentimental poem to appear in a loyal and religious magazine. A *denouement* of this kind, if resorted to at all, can only be employed with safety in works of a comic order; and even in those, the example of Pope's *Afra* has not been considered by the best modern writers as furnishing a standard for general imitation.

pense of Jonathan.\* In short we are daily, weekly, monthly, and quarterly, from one year's end to the other, accused before these self-created courts of sundry high crimes and misdemeanors, and to all these indictments we are regularly expected to plead guilty, at least by a silent acquiescence in the charges made upon us. If in reply to this continual attack, an American writer happen to venture upon a few words in the way of recrimination, or even simple self-defence, we are forthwith proclaimed by the same general chorus of voices to be the most susceptible and *thin-skinned* of all the dwellers upon earth. It is perhaps but justice to add, that the *Radicals*, who, like us, though for different reasons, are constantly run upon by almost every other sect and party in the kingdom, appear to have a sort of fellow-feeling with us, and that we are occasionally patronized in the *Westminster Review*, the *Black Dwarf*, and *Cobbett's Register*.

Such is, and has been for many years past, the habitual tone of the British critics in regard to this country. In the mean time the real head and front of our offending—as is perfectly well understood on all sides—is nothing more than this, that we happen by the act of God, and the valor and virtue of our fathers, without any merit or fault of our own, to be placed in such a situation, political, geographical, and statistical, that we are more likely than any other power to rival or surpass Great Britain, first, in those commercial and maritime pursuits, which have hitherto constituted the chief elements of her greatness, and at a more remote period in population, wealth and national importance. Now we put it to the conscience of any reflecting statesman in the mother country, or even any honest and fair-minded man among the more irritable race of authors, to decide—and we are willing to abide by the sentence—whether this be a just ground for so much abuse. It is, no doubt, natural enough, that a comparative view of the respective positions of the two countries should excite a good deal of jealousy

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\*This journal, as is well known, is a mere puffing machine in the hands of the booksellers, conducted, we believe, by a worthless creature named *Jerdan*. It has lately signalized itself by an attack upon Washington, whom the wildest of our foreign traducers had hitherto respected, but on whom this miserable tool undertakes to fasten the foul and odious charge of irreligion. We take for granted that this proceeding will have its proper effect upon the circulation of the work in the United States.



in British minds; but we appeal to the sober sense and considerate judgment of our transatlantic brethren to say, whether it be right and proper to indulge this sentiment, and exhibit it so plainly as they do in their language and actions. Is the petulant and peevish spirit, which they regularly show in regard to this subject, such a one as we should naturally expect from a great and gallant nation, that still maintains, though in the wane of her fortunes, a lofty standing among the leading powers of the world? Is it not more like the petty spite of a faded beauty, who would gladly, if she dared, tear out the eyes of a younger rival, because she feels that their lustre eclipses that of her own? Or, omitting any question of justice and propriety, is it not the dictate of policy and correct taste to suppress these base emotions, and to render a manly and honorable tribute to merit of every description wherever we meet with it? Is not this, after all, the best and surest method of fully securing our own deserts, whatever they may be? Is it possible to give a more significant proof of conscious weakness, than by constantly carping at, and exaggerating petty blemishes in the characters of others; putting the worst construction upon doubtful passages; and passing over in silence, or 'damning with faint praise' the good qualities and actions that cannot be disputed? When we see an individual in private life pursuing this course, do we not pronounce him at once and without hesitation to be a sour, sorry, poor-spirited creature, and generally conclude that he is a disappointed and broken-down man? The same principles apply to the intercourse of nations; and if individuals, so insignificant as ourselves, might venture to suggest any thing in the nature of advice to our brethren on the other side of the water, we would, in all humility, respectfully give it as our opinion, that they would better consult their own interest and comfort, as well as ours, by putting a good face upon this matter, and accustoming themselves to look with complacency and satisfaction, instead of a mean and paltry jealousy, upon the rising greatness and exuberant prosperity of our young and flourishing republic.

The abuse, which they lavish upon us, although it may give us at times some passing annoyance, really does us very little injury, while the indulgence of the feelings, in which it has its origin, must be to them, unless the best ethical philosophers are at fault, a perpetual source of internal uneasiness and disquiet. On the other hand, if they could persuade themselves to take a different view of the subject, they might derive a

satisfaction of the highest and most liberal kind from the very circumstances, which now change the milk of human kindness, that should naturally flow in their bosoms for a kindred people, into wormwood and gall. Is there nothing, in fact, to approve, to admire, to rejoice at, to sympathise with in the mighty developement of wealth and population—the creation, as it were, of a new human race—which is now going on upon our vast territory? And is it no just ground of pride and pleasure to an Englishman that all these wonders are the work of English hands, and were performed under the influence of English habits, feelings, and principles? Can the friend of learning in England find no joy in reflecting that the language he loves and cultivates—the language, which conveyed to his infant ear the soft accents of maternal affection—to his young heart the tender avowals of passionate love—to his manly mind the sublime strains of parliamentary and pulpit eloquence, will be spoken in a future age by hundreds of millions, inhabiting a distant foreign land, and will enliven with its rich and noble music the now solitary regions of another quarter of the globe? Is it nothing, for example, to the enthusiastic admirer of Shakspeare—and every Englishman is or ought to be one—that the madness of Lear will hereafter rend the concave of a thousand theatres from Maine to California; the sorrows of Juliet draw forth floods of sympathy from bright eyes in the valleys of the Rocky Mountains, or on the banks of the river Columbia; and the mournful melody of the harp of Ariel move upon the bosom of the smooth Pacific ‘in notes by distance made more sweet’ than they ever could have been, even in the fancy of the poet, upon the shores of the ‘still vexed Bermoothes?’ Here, too, Liberty has found a home and a throne, and Liberty is or was the god of the idolatry of every true-born Englishman. Is it nothing to the countryman of Hampden, Sidney, and Russell, that the principles of ‘the glorious constitution,’ for which they gave up their ‘golden years’ to exile and prison, or their lives upon the block, are to flourish hereafter in all their beauty, purified and perfected, according to the illustrious Fox, by the experience of a thousand years, in four and twenty—in the sequel we know not how many more—independent states? Is it nothing to the friend of good government, social order, law, and humanity, that the problem of perpetual peace has at length been solved, and that these four and twenty states have bound themselves

together by a mysterious but indissoluble tie of union, which preserves to them at once the beneficial activity of independent sovereignties and the untroubled harmony of a single community? Is it nothing to a Scotchman—a friend of Erskine—that the *Trial by Jury* is to spread its banner of protection over the head of the unfortunate, and perhaps innocent prisoner—that the potent sound of *Habeas Corpus*, like the *sesame* of the Arabian fable, is to burst the doors, which arbitrary power shall have closed—if such a case should ever happen here—in regions which might, and probably would, if they had not been settled by Englishmen, have been subjected to a ruthless Spanish despotism? Finally, is it a matter of indifference to the Christian—this is not, we are aware, an *argumentum ad hominem*, when addressed to the writers in the Edinburgh Review—but is it, after all, a matter of indifference to the friend of pure and undefiled religion under any of its forms, that the beautiful feet of those that bring good tidings, that publish peace, that say unto Zion, Thy God reigneth, are already traversing in every direction the sandy shores of the Atlantic, the blue summits of the Alleghanies, and the green savannahs of the West, that they are climbing the precipices of the Rocky Ridge, and will soon reach the distant borders of the South Sea? Is all this world of wonders, this magnificent display of the full bloom and glory of civilization, bursting forth, as it were instantaneously, from the depth of barbarism, like a Lapland spring out of the icy bosom of winter, to be held as nothing, and worse than nothing, not because it is not the work of Englishmen—for that in the main it is—but because it is not performed by the Englishmen, who inhabit a little island on the eastern side of the Atlantic? Is it not a burning shame, a crying sin, that under the influence of this paltry motive, the greatest achievements and characters are to be habitually depreciated, the purest and most amiable sentiments mocked and jeered at, and this too by men of high pretensions for talent, education, and philosophy? We know not what others may say in answer to these questions, or what doctrines and sentiments may be fashionable in the mother country, where a selfish system seems in fact to be the order of the day: but for ourselves, we must avow without hesitation, that we consider the tone of criticism, to which we have here alluded, as very strongly marked by bad principle, bad feeling, bad taste, and bad policy. We believe that our transatlantic



brethren, who adopt it, are great losers by it, on the score, not only of honor and conscience, but of national advantage, as well as mere personal comfort and pleasure. We really think that an Englishman of right feeling and good understanding, instead of exhibiting a miserable jealousy of the progress of this great offset from the parent stock, ought to take as much pride in it as in any of the more direct developements of the resources of his country. We conceive that the victory over our western wilderness, which has been won by English hands and English hearts, ought to fill his mind with as high a satisfaction as the blockade of the whole coast of the European continent by the British navy: and that he ought to view the marvellous increase of population that is going on among us, the hitherto unexampled multiplication of human life and human happiness, which is taking place, for instance, in the State of Ohio, with even more delight than the glorious waste of blood and treasure at Trafalgar or Waterloo.

Of the various attacks that have been from time to time directed against this country in the British journals, few, if any, have been more offensive to the public feeling than the article upon American Literature, which appeared in the ninety-ninth number of the *Edinburgh Review*. The works of the Rev. Dr. Channing, form the immediate subject of it, and its principal aim appears to be to depreciate the talent and destroy the reputation of this justly eminent divine. Several other writers of great merit are also shewn up under a ludicrous point of view, and an attempt is made to cast a general slur upon the intellectual character of the country. The spirit in which the article is executed corresponds very well with the nature of its purpose, and is distinguished by a more than usual portion of the malignant and cold hearted flippancy, which has always been one of the leading traits in the style of this, in many respects, valuable journal. We are not of opinion, that it is necessary to the honor of the country, or the reputation of the individuals particularly interested, to repel every attack of this description. The best and only sufficient reply to foreign calumny, is annually and hourly given in the constantly progressive greatness and glory of the United States. There are, however, some cases that seem to form an exception to this remark, and we have been given to understand that a notice of the article alluded to, would be acceptable to many of our readers. We could have wished, that the task had

fallen into more competent hands, but shall cheerfully execute it to the best of our ability, and shall endeavor, if our limits should permit, to point out the errors in one or two other articles of a similar kind, that have lately appeared in other British journals.

The reviewer commences by remarking, that the only American writers who have hitherto been heard of in England, are Irving, Brown, and Cooper, to whose names must now be added, that of Dr. Channing. On farther tasking his memory, it occurs to him that there lived half a century ago such a man as Dr. Franklin, who, as the *Quarterly* had previously informed us, possessed some skill in grinding his electrical machine; that Jonathan Edwards wrote some rather remarkable treatises on metaphysics, and finally, that there appeared in the United States, just before the revolutionary war, an anonymous work, entitled '*A Farmer's Letters*,' which gives a tolerably correct description of certain local scenes and incidents. The works of these writers compose, according to the reviewer, the whole body of American literature.

Now we have no hesitation in pronouncing this to be a very poor and silly piece of affectation. It is much as if an American, in giving a summary account of British literature, should say, that we had heard in this country of no modern writers of much distinction excepting Scott, Moore, and Southey, and more recently, Dr. Chalmers; but that we had reason to suppose, that Newton had made some important discoveries in astronomy at the beginning of the last century; that '*one Locke*,' as Lord Sunderland called him, had published about the same time, a pretty valuable essay on the human understanding; and finally, that there appeared in London, soon after the close of the seven years' war, a very agreeable little collection of letters on miscellaneous subjects, published under the feigned name of '*Fitzosborne*.' This caricature, though somewhat more extravagant, is in point of taste and correctness, precisely parallel to that of the *Review*. To attempt to remove an ignorance, which is obviously affected, would of course be superfluous, and we shall therefore spare ourselves the trouble of completing this very elaborate catalogue of American authors. We may remark, however, that at the moment when the reviewer was telling us, that he could only recollect the few names above quoted, that of *JEFFERSON* was ringing through the newspapers of his country, and filling the



mouths of men of science, taste, and liberal curiosity throughout the civilized world. The memoirs and correspondence of this illustrious statesman, philosopher, scholar, and author, were probably on his table at the time when he wrote the passage in question. Does the reviewer mean to tell us that the name of Jefferson will not be ranked hereafter among the principal ornaments of the literature and philosophy of the present day? Does he really suppose that the author of the declaration of independence of the United States, the Notes on Virginia, and the vast body of political, literary, and scientific works, which emanated from the same prolific pen, will be eclipsed in the judgment of posterity by *Hector St. John*, or by either of the four writers, justly distinguished as they all are, whom the critic has thought proper to mention? He ought to be aware, whether he is or not, that Mr. Jefferson will occupy an elevated place in the very highest order of writers—the one of which Cicero and Burke are the great exemplars in ancient and modern times—writers, who by combining literary and active pursuits, and exhibiting in both a first-rate talent, furnish in their works the most complete reflection that can possibly be given, of the finished man. A person, who could forget the name of Jefferson in the present noon-day of his glory, and go back half a century to rake out *Hector St. John* from the dust of his barn-yard, would not feel the difference between Tacitus and *Tom Thumb*, and would have talked to you of *Goody Two Shoes* the morning after the first publication of the *Reflections on the French Revolution*.

By the side of the Memoirs and Correspondence of Jefferson lay, or should have lain, upon the table of our critic, at the time when he was writing, among the other new publications, the first volume of the American translation with an accompanying commentary of the *Mécanique Celeste*. Is the name of BOWDITCH unknown to the countrymen of Napier, Playfair, and Leslie? If so, is it our fault or theirs that they are ignorant of the existence and labors of one of the first mathematicians of the age? It will not answer for the critic to tell us, that he intended to limit his view of our literature to the departments of poetry and romance, since the very publication which was immediately before him belongs to that of moral philosophy. Charity itself requires that we should compliment his memory and understanding at the expense of his honesty, and believe that his pretended ignorance is, as we have already intimated, a mere piece of silly affectation.

We shall not, as we have said before, undertake to complete the catalogue which this writer has left in so defective a state, but will mention a few other names which would naturally have occurred to any person disposed to do us justice, and moderately versed in our political and literary history ; and continuing to look at the same great department of science, to which the works of Dr. Channing and those of Mr. Jefferson belong, we would venture to ask our critic whether, with his universal knowledge of men and things, past, present, and to come, he ever heard of two such persons as JOHN ADAMS and JOHN QUINCY ADAMS ? If not, we have the honor to apprise him, that the former, who under a coincidence of singularly beautiful and affecting circumstances a few years since terminated his earthly pilgrimage—and the latter, who is still living in the full vigor of his powers and brightness of his glory, have occupied successively, during their long and brilliant careers of half a century each, the highest places in philosophy, taste, and learning, as well as in the administration of the government of their country, and the esteem of their fellow citizens ; that though they were constantly engaged in the most urgent and momentous political affairs, creating constitutions, representing the people in legislative halls and foreign courts, encountering, in short, responsibility and toil of every description, until they finally stood before the world as the elected Rulers of our great and rising empire, they still found leisure—like the admired statesmen and sages of antiquity—to cultivate letters in the intervals of business—published voluminous works, the results of thorough researches into the most intricate branches of political philosophy—taught in our colleges the noble arts they practised in the Senate, and maintained an extensive correspondence with most of the distinguished individuals of the age. Of them and their works the reviewer, according to his own account, is profoundly ignorant. Whether his ignorance, real or affected, be more discreditable to himself or to them, is a question which we may safely leave to the reader to decide. Again ; did our critic never hear of FISHER AMES ? If not, we recommend to his perusal *the Speech on the British Treaty*, and the *Eulogy on Hamilton*. He will soon perceive that the views they set forth are similar to those that are generally taken in England on the same subjects ; and having thus ascertained that he can praise them with a good conscience, we have little doubt that he will admit them to be fully equal to

the most successful efforts of Canning or Mackintosh ; HAMILTON himself, with his illustrious fellow laborers, MADISON and JAY, the joint Numas of our modern Rome ; did the reviewer never hear of them, or does he suppose that their works will be winked out of the view of the world by the voluntary blindness of an anonymous Scotch journalist ? To take a more 'modern instance,' has our critic, in the singular shortness of his memory, forgotten the name of ROBERT WALSH, who has been several times noticed with extraordinary favor in the Edinburgh Review itself, has contributed to its pages, and was pronounced by its conductors to be one of the best writers in the language, until he undertook the task of defending his country against British slander, after which it was pretty soon discovered, that he did not write so well as he did before ; who now publishes a review that would be disparaged by being placed on an equality with most of the leading English journals of the same description ? We will mention but one more name, and only further ask, whether it would not have been natural for one who was taking a general view of American literature, in connexion with a particular notice of the works of Dr. Channing, to revive the recollection of his friend and colleague in the ministry of divine truth, the beloved, the admired, the lamented BUCKMINSTER—a miracle of genius, cut off indeed in the early morning of his brilliant promise, but not till he had produced works which may well be compared with the mature efforts of the highest talents in the same departments of learning ? His discourses, of which a volume was published soon after his death in 1813, and a second has just passed through the press, are among the most elegant, finished, and really valuable productions of their class to be found in the language. They combine the powerful thinking of the English divines, more directly applied to practical life, with the fervid eloquence of the French school, chastened by the purest and most delicate taste. With all their merit they give us, no doubt, as we read them, a very inadequate idea of the delightful effects which they produced, when the impression was aided by the charming intonations, the graceful movements, and the radiant visage of the accomplished speaker ; but considered simply as written sermons, they are undoubtedly superior to any that have appeared in England since the beginning of the present century. To say this, is giving them, indeed, but scanty praise, and it would be easy to show, if we



had room and opportunity to make the comparison, that the standard of pulpit eloquence, and we may add, of biblical criticism and most other branches of theology, is higher in this country than it is in Great Britain. In these respects, we are at least sufficiently advanced to know what has been done and is doing on the continent of Europe, which does not appear to be the case with our worthy brethren of the 'fast anchored isle.'

If the object of the reviewer, in reducing the number of American authors of any reputation to three or four, were to do the greater honor to those, whom he is willing to acknowledge as such, his proceeding, if not justifiable, would be rather more natural. We all have our favorites among the various pretenders to different kinds of distinction, and are apt enough, in our partiality for those we prefer, to overlook the just claims of others. Such, however, is not the motive of this writer. After limiting in this way the number of our authors, he next proceeds to a malignant and studied depreciation of the merit of those whom he is pleased to enumerate. Messrs. Irving, Brown, and Cooper, and Dr. Channing, are successively noticed in a tone of insolent and contemptuous levity, which would suit well enough with an inquiry into the merit of a doubtful rope-dancer or the rival pretensions of the two Fire-Kings, but which really seems to us to be out of place in a discussion that involves the honor and interest of some of the most highly gifted and respectable individuals of the day. Messrs. Irving and Cooper—although not precisely of equal pretensions—stand, as our readers do not require to be informed, quite at the head of polite literature. Their reputation and popularity are not confined to England and the United States, but extend through the civilized world. With the exception of a few veterans in the wane of their powers, though still in the fulness of their fame, such as Goethe and Châteaubriand on the continent, and Scott, Moore, Southey, and some others in England, that properly belong to another generation, we really know no writers, who, in the line in which they labor and excel, can come in competition with our distinguished countrymen. Their eminence is not the passing effect of an accidental burst of popular favor, obtained by low and unworthy arts, but rests securely on the labors and successes of a series of years. Dr. Channing, on the other hand, though at present somewhat less extensively known, possesses claims to respect of a still higher order, resulting from a still more marked

superiority of talent, and enhanced by the sacred nature of his calling and the exemplary purity of his life. The delicacy, which we deem it proper to observe in speaking of a living character, a neighbor, and a personal friend, prevents us from dwelling so much as we should otherwise gladly do upon the merits of this divine. Suffice it to say, that if first-rate powers, directed with a steady, unwearied, and enthusiastic effort to the promotion of the noblest ends by the noblest means, can entitle a man to the gratitude of others, Dr. Channing has a fair right to claim that distinction. We are happy, for the honor of our country, to add, that the public favor has, in this case at least, been awarded with discernment, and that few, if any, of our citizens, are more admired and respected by all classes of the community.

Such are the persons, whose literary merits are the subject of discussion in the article before us. Let us now see the manner in which they are treated.

Mr. Irving, who had hitherto been petted, and, as it were, clapped on the back by these sturdy censors, is now 'deficient in nerve and originality,' he 'brought nothing with him from home,' and his sketches, taken in England, are only 'copies of our favorite authors'—'patterns, taken on silk paper from our classic writers.' The applause bestowed upon his works, was not so much a tribute to his merit, as an acknowledgment of the assiduous homage, with which he courted the favor of the British public. 'He gasped for British popularity.' 'The *national politeness* (?) owed him some return, for he imitated, admired, deferred to us, and was ready to *sacrifice every thing* to obtain a smile or a look of approbation.' Such is the liberal construction put by the critic upon the amiable and romantic, but perfectly honest and even natural delusion in regard to the refinement and generosity of the British aristocracy, under which Mr. Irving appears to have labored on his arrival in England, and which certainly gave a false coloring to many passages in the second series of his writings.

Mr. Cooper is treated with still less ceremony. He is 'the drudge of his materials,' he 'labors under an epilepsy of the fancy,' he is 'not aware of the infinite divisibility of *mind* and matter.' Is the reviewer, by the bye, quite certain himself of the truth of this principle as respects the former substance? He 'anatomizes his subjects'—'he runs riot in an account of the dishes at a boarding-house, as if it were a banquet of the

gods, and recounts the overturning of a stage-waggon with as much impetuosity, turbulence, and exaggerated enthusiasm, as if it were the fall of Phaëton.' One of his works is, however, a masterpiece, but the merit even of this appears to result in a great measure from the circumstance of its containing a single fine description. And what, gentle reader, do you suppose to be the subject of this description, which has the effect of elevating one of these abortions of an epileptic fancy into a literary *chef-d'œuvre*? Neither more nor less than the 'white topsail of an English man-of-war.' 'The description of the guiding of the vessel by the Pilot through the narrow strait left for her escape, the sea-fight, and the incident of the *white topsail of the English man-of-war* appearing above the fog, where it is first mistaken for a cloud, are of the first order of graphic composition. *The rest is commonplace.*' Our critic traverses in the wake of his adventurous author a thousand leagues of land and pathless ocean—numberless incidents and changes of many-colored life invite his attention without success. 'Tis all barren because 'tis all foreign. But no sooner does the 'white topsail of an English man-of-war' rise upon his fancy, like the welcome vision of the Heavenly Twins upon the weary eyes of the tempest-tost mariners in Horace, than all is well, and he is ready to exclaim with honest Larry in the Absentee, 'There spoke the true thing—now my own heart's satisfied.' *'The rest is commonplace.'*

This we think excellent. We know nothing better in the same way, unless it be a subsequent passage in the article in which the reviewer represents himself as having heard or *said* beforehand all the good things in Dr. Channing's Essay on Milton. 'Our author's criticisms seem to be in a great measure borrowed from our own lucubrations.' 'All this we have heard or said before. We are not edified at all, nor are we greatly flattered by it. It is as if we should convey a letter to a friend in America, and should find it transcribed and sent back to us with a heavy postage.' Our reviewer, whatever may be his other errors, can hardly be charged with hiding his light under a bushel. Montesquieu tells us in one of his Persian letters, that on a visit to a friend's house in the country, he met with two persons who talked more than the rest of the company. The conversation of one resolved itself into this phrase, *Cela est vrai parceque je l'ai dit*—'that is true, for I have said as much myself;' that of the other into the following, *Cela*



*n'est pas vrai parceque je ne l'ai pas dit*—'that cannot be true, for I never said any such thing.' The former was considered a pleasant fellow, while the other passed for an insufferable coxcomb. Our critic employs the converse of the first of these forms. *Cela est vrai, donc je l'ai dit*—'that is true, therefore I said it myself.' He has not the most remote conception that any body else in the world can originate a good thing. If there be a bright thought in Dr. Channing's Essay on Milton, it was of course borrowed from the article on the same subject which appeared about the same time in the Edinburgh Review, although the latter unluckily did not reach this country until after Dr. Channing's was published. Talleyrand, upon reading one day in a newspaper some new repartee, which was attributed, as usual, to himself, is said to have exclaimed, *Voilà encore un bon mot, que je suis bien aise d'avoir dit*. The reviewer, we think, might say as much with great propriety in the present instance, for Dr. Channing's article, wherever it may have come from, is the better of the two. With equal simplicity he firmly believes, that all the books that are published throughout the world are intended solely and exclusively for the perusal of his fraternity, and if they contain any allusion to, or extract from 'the Review,' they are thus far in the nature of a letter, which returns to its writer with the burden of double postage. With all this, our critic can talk very pointedly and properly in the same article on the folly of *selfishness*. 'This *paltry self*, looking upon *itself* as of more importance than all the rest of the world, fancies *itself* the centre of the universe, and would have every one else look upon it in the same light.' We entirely agree in the doctrine here stated by this writer, which is so distinctly expressed as to relieve us from the trouble of seeking epithets, to characterize his practice.

So much for the manner in which Messrs. Irving and Cooper, and in part Dr. Channing, are treated in the article before us. As respects the last of these writers, he not only borrows all his good sayings from the Edinburgh Review, but 'endeavors to trim to all opinions and unite all suffrages,'—'calculates the vulgar clamor and venal sophistry of the British press for the meridian of Boston,'—'keeps an eye to both worlds, kisses hands to the reading public all round, and does his best to stand well with all the different sects and parties.' 'He is a Unitarian, but disclaims all connexion with Dr. Priestley as

a materialist ; he denounces Calvinism and the Church of England, but to show that this proceeds from no want of liberality, makes the *amende honorable* to Popery and Popish divines—is an American Republican and a French Bourbonist—abuses Bonaparte, and observes a profound silence with respect to Ferdinand.’ ‘*He likes wit, provided it is serious.*’ Because he speaks of Milton, Bacon, and Shakspeare, as superior in the order of intellect to the Duke of Wellington and Admiral Nelson, he is compared to Abraham Adams, in Fielding’s novel, who ‘thought a schoolmaster the greatest character in the world, and himself the greatest of all schoolmasters ;’ and is represented as ‘gravely dividing greatness into different sorts, and placing *himself* at the top.’ Finally, he is a ‘*pretender* of the stamp of those, who think that there is no reason why they should not do all that others can, and a great deal more into the bargain.’

Thus much for his personal character. As to his writings ;—‘We like his sermons best—his criticisms less—his politics least of all.’ It would seem from other passages, that the best is bad enough. Even as a preacher, his ‘style is tedious, and his arguments trite.’ ‘He is prolix without suspecting it—lays a solemn stress on the merest trifles—repeats truisms and apologises for them as startling discoveries—plays the sophist, and conceives that he is performing a sacred duty.’ The ‘general feature’ that distinguishes his works is ‘*ambitious commonplace.*’ ‘He takes up the newest and most plausible opinion at the turn of the tide, or just as it is getting into vogue, and would fain arrogate both the singularity and the popularity of it to himself.’ ‘His account of Milton is a mere imitation or amplification of what has been said by others,’ which *others* are, as we have seen, afterwards explained to be the critic himself. ‘His style is good, though in general too labored, formal, and constrained. All is brought equally forward—nothing is left to tell for itself. In the attempt to be copious, he is tautological—in striving to explain every thing, he overloads and obscures his meaning. The fault is the uniform desire to produce effect, and the supposition that this is to be done by main force.’ ‘His politics are borrowed from others, and are grounded on misrepresentations and falsehoods.’ The ‘ugly mask,’ which once concealed from the world the true character of Bonaparte, has, it seems, been ‘taken off in England,’ but Dr. Channing chooses to lecture on the ‘mask in preference to the head.’

Now we must assume that every journal of the character and pretensions of the *Edinburgh Review*, has for its object, in profession at least, if not in practice and reality, to promote good taste in letters, and good principles in the conduct of life. This being supposed, we would venture to ask whether the prevalence of good taste is promoted by a studied depreciation of the merits of the best writers of the time, or that of good principles by treating the ministers of religion and the most enlightened, active, and ardent friends of humanity with open insult, merely because they happen to reside in a foreign country. It is not our purpose to attempt to fix on this occasion the precise value of the literary labors of the distinguished persons alluded to, and we shall therefore not undertake to examine whether there be or be not any real foundation for some or all of the charges here made against them. They doubtless have, like all other men, their weak points, and this critic would have proved himself to be as stupid, as he is malignant, which is not exactly the case, if he had not selected these as the basis of some at least of his caricatures. Others, as we shall presently see, are so entirely destitute of any resemblance to the features of the originals, that they must necessarily pass for mere fancy-pieces. But without pretending to refute, or even examine in detail any of these objections—without wishing to exempt these writers from the full severity of a just and legitimate criticism,—we confine our view at present entirely to the tone and temper of the article,—about which, after the extracts we have given, the reader will perceive that there can be no dispute,—and we ask again what advantage results to the cause of good taste and good morals from assailing the best writers and the best men with wanton outrage? Is it fair, just, grateful, or honorable to reward in this way, the labors, the studies, the privations of every kind, which are incident to the literary profession? The principle of genius is a keen sensibility, which renders its possessor uncommonly susceptible to all impressions, and incapacitates him, as it were, from bearing up with equanimity under the toils and troubles that enter so largely into even the common lot of humanity,—and are those whose occupation it is to cultivate and encourage letters, to add to these troubles the ‘slings and arrows’ of unprovoked calumny? The delicate texture of a poetical imagination is not proof against such treatment, which has often been fatal to the peace, the happiness, the life itself of those who have suffered



it. It was said by Racine, that he had received more pain from a single unjust criticism, than pleasure from all the praise that had ever been bestowed upon him ; and it is commonly reported, that he died of the effects of a reprimand from his sovereign. A modern critic remarks, that it was a great piece of folly in so wise a man, to allow himself to be so much affected by so slight a cause ; but he did not recollect that if Racine had been so constituted as to support with indifference the attacks of critics and the displeasure of Louis XIV. he could not possibly have written his exquisite tragedies. Did our reviewer remember when he aimed at the probity of Mr. Irving, the false and wanton insinuations, or rather assertions, which we have quoted above, that, coming from such a quarter, they would necessarily poison for a time the peace of one of the purest and most amiable, as well as ingenious men now living ? Was this a natural return for the pleasure which he has given to us all—including his cynical calumniator—by the charming creations, with which his fine genius has for so many years peopled the monotonous pathway of every-day life ? Or even if we choose to consider the whole business of polite literature as mere sport, and those who cultivate it, as voluntarily exposing themselves to be treated with a wanton and insolent levity, which they are to receive as mere pleasantry, and requite in kind, what shall we say of the taste and principles of those who sport in the same way with the sacred subject of religion and its teachers ? These may be supposed indeed to be comparatively indifferent to unjust attacks. Their objects are of a loftier and purer kind than those of the merely literary man, and raise them above the sphere of popular applause and censure, in which the other lives, and moves, and has his being,—above the ordinary accidents of life. Like their sublime Master, when fixed to the cross in the fatal hour of his last agony, they can pray for their spiteful and malignant persecutors, as mistaken wretches, who know not what they do. But the same reasons, which render the minister of religion, who truly feels the spirit of his calling, superior to the influence of calumny, impose upon others with tenfold force the duty of treating him in the interest of society with marked respect. We are willing to believe, and do in fact think it probable, that the critic was not aware of the extraordinary purity and excellence of the character of Dr. Channing, when he ventured to assault him in this unmanly style, but it is obvious that the reverence,

which is habitually cherished by all right-minded persons for every thing connected with religion, in the absence of any more particular motive, ought to, and would, if he had felt it, have restrained his petulance.

It is not our intention, as we remarked above, to discuss in detail the objections that are made to the literary and moral characters of our distinguished countrymen in the article before us, but we will here barely mention, without enlarging upon them, one or two very extraordinary inconsistencies between the statements of the critic, and the real facts of the case.

Mr. Irving is represented as entirely deficient in images and feelings of American origin—‘he brought with him no new earth, no sprig of laurel gathered in the wilderness, no red bird’s wing, no gleam from crystal lake, or new-discovered fountain, neither grace nor grandeur plucked from the bosom of this Eden state, like that which belongs to cradled infancy—but he brought us *rifacciamentos* of our own thoughts—copies of our favorite authors.’ Now all this, which is prettily, though somewhat affectedly, expressed, happens to be exactly the reverse of the truth. The best parts of Mr. Irving’s works are those in which he has drawn his inspiration wholly from American sources, and those of which the scene is laid abroad, though often beautiful, are uniformly feebler than the former. Such has been and is the general opinion of competent judges, and, what our critic will consider as more to the point, of the writers in the *Edinburgh Review*. In a very favorable notice of the *Sketch Book*, which appeared in that journal, some articles were recommended, and in part quoted, as more particularly interesting, of which the prominent one was *Rip Van Winkle*. It appears, therefore, that the first bouquet which Mr. Irving presented to the British public, contained a ‘sprig of laurel,’ which he had brought with him from home, and which was pronounced at once by these fastidious critics, to be the prettiest thing in the bunch. In their notices of his subsequent works, the passages founded on American scenery and manners, have always been selected as the most striking and spirited. So obvious indeed is the superiority of these to the rest, that we have no hesitation in regarding them as the life of the collections in which they appear, the attic salt as it were, that gave vitality, freshness, and taste to the otherwise somewhat insipid compound. Mr. Irving had gathered on his native soil, and before he ever saw Europe, not merely ‘sprigs of laurel,’ but garlands

far more healthy and more likely to endure than those which he afterwards plucked in the conservatories of England. His Knickerbocker, on the whole the most powerful and original of all his productions, is wholly American. Every line of it is 'new earth and red bird's wing.' In Salmagundi there were occasionally imitations of Addison and Goldsmith, and the plan was copied from that of the Spectator, but even here the best things are of native origin. The *Little Man in Black* is not, as far as we recollect, described in 'our stock-books of a century ago,' nor have we seen any account of the American *logocracy*, the Tunisian ambassador's wardrobe, or the pleasures of a tour to Saratoga Springs by 'the wits of Queen Anne.' When Mr. Irving went to Europe, he carried with him, as we have just seen, sundry sprigs of laurel, a little nursery, in fact, of wild flowers, which he mingled in somewhat sparing proportions with those of foreign growth, that he collected on his way, but which were constantly noticed as the pride of his nosegay. The red bird's wing was always the most conspicuous plume in his bonnet. But we did not find him putting forth all his power until he employed himself again in his Columbus upon a subject exclusively and strictly American. Does our critic find no 'gleam of crystal lake, or new-discovered fountain, neither grace nor grandeur plucked from the bosom of an Eden state, like that of cradled infancy,' in the charming descriptions which Mr. Irving has given us of the indolent, luxurious Paradise of the natives of Haïti? Why, this very writer, or one of his fraternity, employed, but a short time since, almost the same language in telling us what Mr. Irving's style is, that he now employs with the insertion of a negative in telling us what it is not. This is really *too bad*. Mr. Irving's sketches in England are, as we have hinted above, comparatively feeble. By affecting to represent these as the only things which he has done that are worth attention, and throwing out of view the whole of his best and most spirited productions, the reviewer is able to make him out a mere tame copyist of the British classics, with some degree of plausibility; with how much candor, we leave it for our readers to judge.

An inconsistency with fact, not less glaring than that which we have just noticed, occurs in the account of Dr. Channing, the prominent trait in whose character, according to this writer, is a disposition to 'trim to all opinions, and keep well with all parties at the same time.' Such is the picture; but how



stands the fact? Dr. Channing, as our readers are generally aware, is the acknowledged leader of the Unitarian sect, as far as there can be leaders in a communion of which the officiating clergymen are all on a footing of perfect equality. Far from making a secret of his opinions, he habitually declares them with a degree of fearlessness, which some of his friends consider imprudent. Now the Unitarian sect—although it includes perhaps, in proportion to its numbers, as large a share of the talent, virtue, and respectability of the country as any other,—is doubtless among them all the one, which has the least pretensions to popularity. It is in fact one, which, as all who are capable of looking at the subject philosophically well know, from the nature of its tenets never can be popular. It is one which scrutinizes texts—estimates the value of manuscripts and editions—balances the authority of conflicting passages, and consequently addresses itself to a very limited portion of the community: for such a portion only have the means and leisure to pursue these inquiries. We may go further, and affirm with safety, not only that the Unitarians are not a popular sect, but that they are decidedly the most unpopular of all. They are habitually denounced, both here and in England, by those who respect and love them individually, as unbelievers, deists, and sometimes atheists. The state of the case is therefore simply this: Dr. Channing stands forth openly and fearlessly before the world as the leading champion of a decried, suspected, and unpopular class of Christians. It is no part of our business to inquire into the justice of the suspicions entertained of the Unitarians, which may or may not have a reasonable foundation. The fact is undoubtedly as we have stated it. What, then, does the reviewer mean,—what can he mean,—by representing Dr. Channing as a time-server, who trims to all opinions, and keeps well with all parties? Is it trimming to all opinions to espouse a particular one, and maintain it with so much energy, eloquence, and consistency, as to be considered the leader and champion of those who hold it? Is it keeping well with all parties to oppose and defy them all except a particular one, and that the smallest and most unpopular among them? In his controversial writings, Dr. Channing has no doubt uniformly observed the decorum, which belongs to his character and feelings, as well as to his position, and has treated his opponents with perfect liberality; but we venture to hope that the observance of the ordinary courtesies of life does not make a man out to be a

time-server and a trimmer. If it did, by the bye, we think we could safely assure the writer of the article before us, that he would never be considered as obnoxious to those qualifications. In short, the charges here made against Dr. Channing are so obviously and palpably at variance with his position in the world, they attribute to him a character so entirely the reverse of that which he notoriously bears, that it is somewhat difficult to imagine how the idea of them could have gained admission into the reviewer's mind in connexion with his name. The making of them supposes, no doubt, an almost complete ignorance of the reputation and standing of the author whose works he undertook to cut up, as well as a criminal readiness to scoff at things and persons which all good men regard with reverence; but it also supposes, we think, the existence of some particular motive which operated in this case, to give a bias to the mind of the reviewer, which, under other circumstances, it could not well have taken.

It appears, in fact, from the tenor of the article, that there was such a motive, the nature of which is indicated with sufficient clearness in the closing sentence of the extracts given above. The 'ugly mask' which for a time concealed from the world the character of Bonaparte, has, it seems, been taken off in England; but 'Dr. Channing continues to lecture on the mask in preference to the head.' Dr. Channing, has published, under the form of a review of Scott's Napoleon, a powerful analysis of the intellectual and moral character of that personage, which, according to the notions of the reviewer, is not sufficiently favorable to the 'Man of Destiny.' The supposed injustice done to his favorite hero, seems to be the source of the particular disgust which the reviewer has taken towards our distinguished countryman; and the supposed inconsistency between a love of liberty and a dislike of Bonaparte, appears to be the real foundation for the charge made upon him, of trimming between opposite opinions, and keeping well with all parties.

Now, supposing even that Dr. Channing had in some degree mistaken the character of Bonaparte, we cannot admit that this would at all justify the critic in his outrageous attack; but, independently of this consideration, we must also remark, that, according to our judgment, the mistake on this subject, if there be any, is on the other side. We cannot perceive that any material injustice is done to the celebrated Corsican in

the Doctor's article. We greatly doubt the fact, so positively affirmed by the reviewer, that the 'ugly mask,' which was formerly supposed to be the face of Bonaparte, has been taken off in England. We have seen no authentic account of any such operation. The meaning of this language in plain English—if it mean any thing—is, that Napoleon was at one time considered as a tyrant, a usurper, and an enemy of liberty, but that the public opinion on this subject has been since changed, and that he is now better thought of, perhaps approved, lamented, and admired; for we are not informed how far the reviewer means to proceed in his hero's apotheosis. Now we are free to confess, as respects ourselves, that we have no knowledge of any such revolution in the public opinion upon this subject, and we believe that we may say the same for most of our countrymen. On this side the water, Napoleon is still the same tyrant, usurper, and enemy of liberty, that he always was; and Dr. Channing, in representing him under this point of view, has expressed the feeling of the great mass of his fellow-citizens, as well as his own. We know that a mask was removed from his character some time before his death—not, however, by any means an ugly mask, but, on the contrary, a brilliant and dazzling one, like the silver veil of the Prophet in Moore's poem—we mean the false glare, the *prestige*, to use an expressive French word, with which the possession of imperial power and unbounded wealth had so long surrounded him in the imagination of the world. When this was removed, he did not,—such at least is our impression,—rise in the public estimation, but on the contrary was thought to have lost much of his heroism, without gaining a great deal on the score of humanity. When we saw the conqueror in fifty pitched battles—the modern Charlemagne—forgetting the real, in a vain concern for the imaginary and conventional, dignity of his character, and disputing with a paltry colonial governor about the style in which he was to be addressed, and the number of bottles of claret he was to be allowed for dinner, with as much apparent interest as he had before contended with Alexander for the empire of Europe, our estimate of his qualities was in some degree lowered, and we recollected Rousseau's well known ode,

Le masque tombe—l'homme reste,—  
Et le héros s'évanouit.

Since that time, and especially since the death of Bonaparte, we have had in rapid succession a series of publications, filled



with the most minute, curious, and instructive information respecting his character and opinions, prepared in general by friendly hands, and compiled, in part; under his own direction and even dictation. We have had the scientific and military details of his campaigns by himself and his favorite generals; the diffuse memoranda of his conversations in exile by the Count de Las Cases, and now within a few months the authentic narrative of his private life while in power, by his favorite secretary, of which we hope in a future number to lay some notice before our readers. In addition to this, we have had a hundred collections of memoirs, some of them in the highest degree curious and interesting, by various personages, who figured in his armies or at his court, from his brother to his butler: and we may safely say, that there is now, as the Spanish proverb runs, very little at the bottom of the inkstand. The strain of most of these works is on the whole decidedly panegyric, as might naturally be expected, when we recollect that they were almost all written by creatures and dependants of the Ex-Emperor, who looked back to the period of his reign as the golden age, which for them no doubt it was. Every thing has been said that could be said, to exalt, embellish, explain, justify, excuse, or palliate, according to the nature of the particular passage of his life under consideration. His encomiasts endeavor to make him out the 'wisest, virtuousest, discreetest, best' of men, as well as the most enterprising, skilful, and successful of commanders. We have been told how he pinched the Abbé de Pradt's ears, extemporised love-tales for the entertainment of the Empress and her ladies, and played bob-cherry with the King of Rome. All this may be true, although we must own that we receive it in part with some grains of allowance. But supposing it to be all true, it does not much affect the political and moral character of the personage, who, we fear, must still remain what he was before—*sedet æternumque sedebit*—a usurper, a tyrant, and an enemy to liberty.

Our critic takes it very much amiss that Dr. Channing should elevate Milton, Bacon, and Shakspeare in the order of intellectual precedency above Wellington, Nelson, and Napoleon, and in general should consider philosophy and poetry as higher applications of talent than the business of practical life even in its highest departments, which policy and war undoubtedly are. He affirms that the latent object of the Doctor in making this division, is no other than to place himself at the top among

those who *talk* about things, and commanders at the bottom among those who only *do* them. Now this, which is doubtless in the opinion of the reviewer very excellent pleasantry, is unquestionably very inaccurate, and we must add, very unfair when considered as a statement of the theory of our countryman. Dr. Channing does not place himself, but Milton, Bacon, and Shakspeare at the *top*, and he does not place the great commanders, such as Napoleon, Wellington, and Nelson, at the *bottom*, but only below the very few persons who have exercised equal or greater powers in a still more comprehensive and general way. The difference between these two versions of his theory, however unimportant the critic may consider it for other purposes, is at least very material to the reputation of Dr. Channing for modesty—a quality which is more valued on this side the water than—to judge by the practice of the reviewer—we should suppose it to be in Scotland. As respects the principle, we incline to think that it will bear examination, and do not consider it so much at variance with the common opinion of the world as this writer evidently does. If he had not treated it as a paradox, we should have been rather disposed to regard it as a truism. ‘In Europe,’ it seems, ‘we think that Cæsar, Alexander, and Charlemagne were no babies.’ Has Dr. Channing, then, intimated that he considered Napoleon as a baby? Is every man a baby who could not have written the *Paradise Lost*, the *Novum Organon* or *King Lear*? If the reviewer’s object be caricature, we can understand what he means; but his representation, or rather misrepresentation, is obviously wholly foreign to the merits of the question. ‘We think in Europe that to move the great masses of power, and to bind opinions in a spell, is as difficult as the turning a period, or the winding up a homily.’ Does the reviewer then mean to tell us that it is the commander, military or naval, who moves the great masses of power and binds opinions in a spell? Is it not perfectly obvious, that no individual, by a direct application of even the highest talent to practical business, can produce any very extensive effects, excepting so far as he may have the advantage of a favorable state of opinion, prepared, ‘spell-bound,’ as the reviewer is pleased to say, beforehand? No illustration of this remark can be more complete and conclusive than that which is furnished by the example of Napoleon himself. The conqueror of Arcole, Austerlitz, and Jena, undoubtedly possessed a military genius

of the first class ; but what would he have been under other circumstances—had he lived, for example, fifty years earlier than he did? He would have been under Louis XV. what Dumouriez—a person of much the same character—was, a brigadier-general at forty, with the reputation of a *mauvaise tête*, and alive at this day. The principle of his great success lay in the fact of his appearance at a critical epoch. The revolution had electrified public opinion, and thrown the great living masses of power, not only into motion, but into convulsions. Bonaparte, with his prodigious military talent, electrified himself by the same causes that acted upon all the rest, was able, under the favor of circumstances, to give these masses for a time a direction towards any particular object which he happened to prefer. Here was a golden opportunity for displaying the very highest order, not of intellectual, but, what is a still nobler quality, moral greatness ; and had Napoleon done justice to it, he would undoubtedly have placed his name above those of Milton, Shakspeare, or any other that is named among men, excepting only that of Washington. To what object then—having as he had the full liberty of choice—did he direct the almost boundless power which was placed at his disposal? The good of the world—the service of truth, virtue, and liberty—the welfare of his country? Oh no! All these might have been promoted together, and by the same efforts ; but these noble objects, and with them the lives and happiness of millions of his contemporaries, were sacrificed to a direct regard for his own *paltry self*, as the reviewer has it. When the universe was all in alarm, ready for any thing, and thrown by accident under his command, he could think of nothing better to employ it upon than the mighty adventure of changing the style, title, and mode of living of a little French corporal and his family. Such were his pretensions to moral greatness ; and where a man is deficient in this particular, there is much reason to fear that his mind is not of the highest order. ‘The heart,’ says Vauvenargues, ‘is the true source of intellectual power.’ *Toutes les grandes pensées viennent du cœur*. But to return to the question, as stated by the reviewer himself—Who electrified public opinion, and set in motion the great masses of power, which Napoleon so shamefully mismanaged? Obviously the authors of the French revolution. And who were the authors of the French revolution? The military, we know, were the last portion of the community who had any concern in it.



Those who gave the impulse and carried on the work to its completion at the taking of the Bastille, were the orators, thinkers, and writers—to go no higher—of the two preceding centuries, from Luther to Mirabeau. How did they effect their object? Precisely by the means which the reviewer speaks of with so much contempt—‘by turning periods’ and ‘winding up homilies.’ An obscure Augustine monk, by his powerful preaching, wrought in such a way upon the feelings of his contemporaries, that they burst all bounds—rent in twain the sacred veil that had before concealed from the public the mysteries of religious belief, and commenced a series of wars that lasted a century and a half, and opened an epoch in the history of Europe. But as Luther only ‘wound up homilies’ he was of course, in the opinion of our critic, a very small man. Calvin and he were mere pigmies in comparison with Gustavus Adolphus and Wallenstein, who *did* the things, which they only *talked* about. Locke, Montesquieu, Voltaire, Rousseau, and the rest, by their powerful speculations in moral and political philosophy, effected the change in the public opinion of Europe, which immediately determined the occurrence of the French revolution, and thus unsettled all, and overthrew the greater part of the governments before existing in the civilized world. But as these persons only ‘turned periods,’ their agency was, of course, a very secondary one, and they are not to be named for importance on the same day with Dumouriez, Pichegru, Moreau, and, finally, Napoleon and his generals, who actually *did* what they only *talked* about. Such is the system of the reviewer. We in America—very foolishly perhaps—consider the ‘kingly-crowned head’ and the ‘counsellor heart,’ as nobler members of the body, whether politic or natural, than ‘our steed the leg,’ or ‘the arm our soldier.’ Without pretending to depreciate the importance of the functions of a military or naval commander, which are among the noblest that belong to practical life, we conceive that the philosopher occupies the same situation in the great action of human affairs, and in relation to the whole human race, that the general does on the field of battle in reference to his own army. The skilful commander, who knows his business, does not place himself in the front rank, and lay about him with his own hands. He takes his station on a neighboring height with a telescope by his side, and gives his orders to his aids, who in turn convey them to the inferior officers, until they reach the subalterns and privates. These are

the persons who actually cut down the enemy. They *do* what the commander-in-chief and the superior officers only *talk* about, and on the system of our critic are the real heroes of the day. In the same way, the philosopher takes his stand on the intellectual elevation of superior talent, and talks to the few who are able to hear him—*φωνᾶντα συνεπίσιν*. By them his judgments of men and things are communicated to the many, and having thus wrought out a change in public opinion, begin at last to exhibit their practical effects, whether for good or evil, by determining a new order of political events. Thus far all is done by talking, and the talk is entirely upon general principles. At this period, a new scene opens in the progress of the action, and a new set of characters make their appearance. The practical statesman and commander are now the prominent persons, but still, as before, all is done by talking. The only difference is, that the conversation, instead of turning upon general principles, now turns upon the application of them to the business of the world. The representative and diplomatist talk in Congress and in Parliament—the commander talks and writes in his cabinet or at the head of his army—and they thus produce effects upon a somewhat inferior, but still very extensive scale, until, finally, the merely passive mortal machine begins to perform its functions. The tax-gatherer, the soldier, the sheriff, the surgeon, the attorney, the cultivator, get into motion. Sword and lancet, pill and cartridge-box, plea, plough, and printing-press are set to work: the talk is over, and the real action, as our critic considers it, is at last in progress. It is needless, of course, after what we have said, to dwell any further on the nature of his mistake, which is obviously the vulgar one of considering ‘the pride, pomp, and circumstance,’ the ‘sound and fury, signifying nothing,’ which attend the appearance of a certain class of the performers in this great drama, as proofs of their superior importance in comparison with the rest. A man who wears a laced coat with epaulettes on his shoulders, occupies the largest house in the city, is attended, when he goes out, by a multitude of others, and perhaps saluted by the discharge of a hundred pieces of artillery, is obviously a much greater character than another who merely sits down in his morning-gown, to write by his fire-side. The plausibility of the statement, so far as it has any, lies in confounding the faculty of writing and speaking with grammatical correctness and rhetorical elegance, with the intellectual power which is required for

writing and speaking with effect. In the former sense the art of turning a period or winding up a homily is undoubtedly a very trifling accomplishment, although we could wish that, trifling as it is, it were not quite so much neglected by some of our great men. But to turn a period or wind up a homily with effect, requires, in addition to all that Lowth and Blair can supply, *a head*—with good effect—*a heart*; and these are tools which, whatever the reviewer may think of it, are not to be found in every man's workshop. As respects the latter, at least, we believe that his own stock would not be the worse for a little mending.

The reviewer appears to consider the opinion entertained by Dr. Channing of the character of Napoleon, as not only unjust and incorrect in itself, but as entirely inconsistent with the liberal principles, which our countryman professes in regard to other matters. This supposed inconsistency is, as we remarked above, the real foundation of the charge made upon him by the critic of trimming between opposite parties. It is impossible according to this authority, to love liberty without loving Bonaparte, and one who pretends to love liberty, and at the same time to hate Bonaparte, must necessarily be a hypocrite and a time-server. 'We are surprised, that staunch republicans, who complain that the world bow to rank and birth alone, should turn with redoubled rage against intellect, the moment it became a match for pride and prejudice, and was the only thing that could be opposed to them with success, or could extort a moment's fear or awe for human genius or human nature!'

Now we must needs say, at the risk of appearing to be actuated by a spirit of indiscriminate censure, that the inconsistency here, as the error before, seems to us to be on the side of the reviewer, and not of Dr. Channing. We really cannot discern the identity between the cause of Bonaparte, and that of well-ordered and rational liberty, which is so perfectly obvious and palpable to the sharp optics of this Scottish seer. We in our turn are surprised that staunch whigs, nurtured in the principles of Sydney and Russell, brought up at the feet of Fox, enemies by creed, feeling, habit, and inheritance, of the slightest approach to arbitrary forms of government, should deem it consistent with their character to grovel at the footstool of a despot, and kiss the rod of iron oppression, simply because it is wielded by the hand of one who rose from the lower walks of life, possessed great talents, and had once been, or pretended to be, a



friend of liberty. Does tyranny lose its proper character, and cease to be odious, because the tyrant happens to be also a usurper, an apostate, and an upstart? If the situation and disposition of a ruler be such, that he will certainly do me all the injury in his power, is it a rational source of satisfaction to me, that he possesses great talents, and that his power to injure me will of course be nearly co-extensive with his will? Can I be blamed for turning with 'redoubled rage,' if the reviewer like the expression, upon intellect, when the only use that is made of this intellect is to invent and put in practice new and more effectual methods of depriving me by force or fraud of all I hold dear? Did the Romans of the time of Cæsar, who, as Cassius tells us in the play, were compelled to

Walk under his *huge legs*, and peep about  
To find themselves dishonorable graves,

feel much pride in the large dimensions of the political man-mountain, that was trampling them down in the dust? For ourselves we are devotedly attached to liberty, and would make any sacrifice to escape from oppression; but if we must submit to it, we have no hesitation in saying that we should much prefer a good, easy, hereditary, gouty despot, who would ask for nothing but a skilful cook, and a well-stocked deer-park, to a fiery usurper of first-rate talent, who would be always on horseback, wasting the blood and treasure of his people in vain attempts to gratify his wild and wanton ambition. Tyrant for tyrant, we should certainly prefer King Log to King Stork, Louis to Napoleon; and we consider this preference as not only not inconsistent with, but as the natural and necessary result of a love of liberty. We must even venture to suggest to this critic, with all the deference due to so high an authority, that the intelligent friends of liberty on this side the water have not been edified by the tone of adulation which has generally distinguished the speculations of the Edinburgh Review on the character of Bonaparte. We have seen with regret, and a sort of indignation, the journal which claims to be, and may perhaps be fairly considered as being in Europe, the leading periodical organ of sound political principles, lavishing its warmest expressions of applause and admiration upon the bitterest and most effective enemy to such principles that has yet appeared. We cannot admit as a sufficient excuse for this, that the Edinburgh Review is or was, as respects the party divisions that prevail in Great Britain, an opposition journal; and that it was neces-

sary to defend at all hazards, and with every sacrifice of consistency and principle, the chief of a nation with which the ministry were at war. This might answer as an apology for a humbler class of writers, who profess no other rule of conduct than attachment to their party; but can hardly be received as a good plea in behalf of the *Edinburgh Review*. Or even if we consent to allow to this consideration somewhat more weight than it is fairly entitled to, what propriety is there in expecting that we in this country, who are not under the influence of the same party feelings, should give way to the same real or affected delusion upon this subject? Because the British whigs deem it politic to rush through thick and thin in pursuit of what they no doubt regard as patriotic objects, are the citizens of the United States, who have no immediate concern with those objects, to affirm that black is white, and sanction the wildest excesses in conduct, and the grossest errors in principle, merely for the sake of keeping them company? We can assure the reviewer, that it is as much as our consciences will bear us out in, to follow up the hue and cry of our own parties, without intermeddling in those of other countries a thousand leagues off. In short, if the critic will but coolly consider these things, he cannot avoid seeing, that the inconsistency complained of is really on his side, and not on that of Dr. Channing; that the friends of liberty are not, as such, bound in honor and conscience to bow down before the brazen image of a ruthless and bloody military despotism; and that if he, the reviewer, had thought proper to bestow a little of his friendly feeling upon the young, flourishing, growing, glorious, English republic of the United States, instead of wasting it all upon an Italian soldier, merely because he was a man of talent, he would have acted much more consistently with his professed principles, and done himself a great deal more honor in the opinion of judicious men.

The general result seems to be, that the attack of the reviewer upon the literary and moral reputation of Dr. Channing, and our other distinguished countrymen, is not less unjust than it is indecorous. We had intended, after replying to the article immediately before us, to have alluded to some other attacks, which have recently been levelled by the British press against this country, but have only room at present to notice the manner in which one of the more respectable weekly journals has been pleased to comment upon our own labors. We shall first quote entire the article to which we allude, and

which appeared in the *Edinburgh Scotsman* of December 5th, under the title of *North American Review*, No. 65, for October, 1829.

‘ We have no great respect for this periodical, of which a casual number now and then strays into our hands. We give the writers credit for considerable industry, talent, and extent of information, and for a large portion of that worldly shrewdness which disposes prudent men to sail with the tide, and keep to windward of all doctrines which are not already in general favor; but they are woefully deficient in intellectual courage, in profound and original views, in lofty aims, and in that love of truth and of mankind, which atones for many errors, and sanctifies the best efforts of the understanding. The journal wants true American feeling; it wants heart and it wants soul. The writers *creep* in the train of our reviewers, and take upon their shoulders from choice, the load of prejudice and sophistry which is forcibly entailed upon us by our old establishments, and the feelings and interests which have grown out of them. There is but one absolutely *clear stage* in the world for the discussion of every question that interests mankind; and that, owing to a happy combination of circumstances, exists in North America. But the periodical writers of the first class there, voluntarily renounce the high functions which thus devolve upon them, and, instead of heading the tide of liberal speculation, and boldly proclaiming truths which must either be suppressed in the old world, or uttered in whispers, send us back a feeble echo of the false doctrines and antiquated opinions, which are, or were current among ourselves. For any thing that appears in it on politics, morals, law, religion, or philosophy, this review might be edited under the censorship of a Burgomaster of Frankfort, or an Amtman of Carlsruhe! If it was (were) published in either of these towns, we should say it was a respectable journal; but as the organ of opinion in free republican America, nothing can be more pitiful. It is as innocent of giving countenance to innovation, as if Prince Metternich were the editor! Indeed, it gives shelter and protection to many errors and prejudices, of which enlightened men in Europe are beginning to be ashamed. The writers have not the slightest conception that their country exemplifies a new and happier order of society, which ought to become a source of light to the world. Were Locke and Sydney living in our day, they would regard the American government as a beautiful and successful experiment, which has solved difficulties that had perplexed the wisest of men from the beginning of time, and unfolded truths of incalculable value to mankind.



Not so the sages of the North American Review. In their eyes, the republican institutions of their country are merely one of the accidental modes or fashions of government to which the varieties of national taste and genius give birth, having much in common with the pauper-loaded and priest-ridden systems of the old world ! To transplant its forms, or apply its principles to any state of continental Europe, would, in their opinion, be a presumptuous and visionary attempt, fit only for the Radicals of England, or the Tugenbundists of Germany ! As men shave their heads in one country—their chins in another—and wear both their hair and their beard in a third—so there is a diversity of taste and usage among nations upon the subject of government, which no wise man should disturb ! The American loves to make his own laws, assess his own taxes, and appoint his own parsons and magistrates. The Englishman's pleasure is to grumble at the aristocracy, to whom he commits these functions ; the Spaniard rejoices in the dominion of his *rey absoluto* and his priests ; the Turk is delighted with the bow-string of his sublime Lord, and the conscience of the Russian is satisfied provided his back is well flayed with the knout ! All these are equally happy under their several systems ! To transfer the institutions of one of these nations, in whole or in part, to any of the others, would unsettle old associations and venerable usages, as Burke sagaciously observes, and be in fact like an attempt to fit the jacket of the Laplander upon the shoulders of the gigantic Patagonian ! We assure our readers, that in giving this account of their doctrines, though we cannot quote words or passages, we are not intentionally caricaturing the American reviewers, but describing what we honestly believe to be the scope of their principles ; and our opinion is formed after perusing, at one time or another, a considerable portion of their lucubrations. It does indeed rouse our indignation to see them, with such unequalled means of doing good, play false to the cause of mankind, and lend their aid to prop up the most pernicious errors and the worst dogmas of the old world.

‘ Let him who doubts our statement, try the American reviewers by “ any constant question.” Let him examine their opinions as to the effect of church establishments, the utility of classical literature as a part of general education, the value of the English unpaid magistracy, and of the technicalities, cumbrousness, and expensiveness of the English law, the advantages of codification, &c. On all these points he will find the reviewers ranging themselves on the side of old opinions, and sailing in the wake of those writers in this country, who are distinguished as the enemies of every rational reform, and the upholders of every

old abuse. Though living in a country where improvement is advancing at the gallop, "on the car of time," they have no faith in the future fortunes of our race, nor indulge in any aspirations after unattained but possible good. Such as man has been, such they think he ever will be, a poor, benighted animal, groping his way from one error to another, the prey of priests, and the victim of tyrants, abusing liberty where he has it, and often more happy as a slave than as a freeman! The weight of their authority, such as it is, is employed to inculcate political maxims, which are shallow and grovelling. Their labors tend to repress true independence of thought, to bring derision on a generous and enlarged philanthropy, and to teach the Americans to undervalue those institutions which constitute their chief glory. Fortunately, the course of things is too strong for the efforts of any knot of literary men. Truth in our days has, like the ocean, ten thousand avenues, and its course can be but little impeded by closing up one or two of them. America will produce men who can appreciate the moral grandeur of her institutions, and when these appear, her literature will become a fountain of light to the world.

— 'In a literary point of view, the present number is respectable. It contains twelve articles, the last and longest of which is a review of Captain Hall's Travels. We have seen a writer cut up in a more masterly style, but the critic does exert no contemptible degree of skill, in showing up the Captain's prejudice, rashness, and inconsistency, and he has imitated the subject of his criticism in combining the *suaviter in modo* with the *fortiter in re*. So much of the discussion, however, is devoted to special points, that we cannot find a passage fit for quotation. Of the other articles, there are not many calculated to interest readers in this country; but we insert an extract from an article on Modern Greek Literature, for the sake of the information it contains.'

It is plain, from the tenor of this article, that the mind of the writer has been severely exercised by something which he has met with in some preceding number of this journal, but with the aid of the little light which he has thought proper to throw upon the subject, we are rather at a loss to conjecture what particular part of our speculations it is, by which we have been so unfortunate as to give him offence. To the charges of ignorance and dulness, we of course, plead guilty with great cheerfulness. Independently of the general presumption against us, which results from the well-known degeneracy of the race on this side the water, we are quite

aware of our personal incapacity to carry into effect to any considerable extent, our very honest intentions to entertain and instruct our readers. We know, that in both these respects, they are too often compelled to take the will for the deed. We also fully acquit the worthy editor of any intention to caricature or misrepresent our doctrines. His positive denial of any such intention would of course be quite sufficient; independently of which, the honor he has done us by reading the 'casual numbers of our journal that now and then stray into his hands,' or, as he is afterwards pleased to explain himself, by 'perusing at one time or another a considerable portion of our lucubrations,' is an ample guarantee that he bears us no ill-will. When, therefore, we find him asserting that we are 'woefully deficient in intellectual courage—profound and original views—lofty aims—love of truth and mankind—heart—soul—and true American feeling,'—that we 'take upon ourselves from choice a load of prejudice and sophistry,'—'send back to the old world a feeble echo of the false and antiquated doctrines that are or were current there,'—that we 'play false to the cause of man,'—that 'as an organ of opinion for republican America, nothing can be more *pitiful*' than our journal—and finally, that we '*creep in the train of our reviewers*,'—with the other *gentillesses* of the same description, which the reader will have met with in the above extract, we are bound to presume that all these pretty compliments are in the nature of confessions, reluctantly extorted by the force of truth from a warm and real friend, and if the manner appear to be somewhat unceremonious, it must be owing to a want of taste in us, and not of good breeding in the Scotsman, who is, of course, thoroughly imbued with the *national politeness* of his country.

But even if we allow to this writer all the credit which he seems disposed to claim for a friendly and respectful feeling towards us, as well as for a strict observance of the forms of civility usual among gentlemen, to which his pretensions are equally well founded; and if we also concede to him the general inferiority of every product of cisatlantic origin to the corresponding one of European, and especially of Scottish growth, we may still venture to intimate that, as respects some of the more serious offences with which he charges us, there may possibly be a mistake in fact. While assuring his readers that he has no intention to caricature us, he candidly admits



that he *cannot quote words and passages* in support of his view of our doctrines. Here, then, is a book, in thirty volumes, lying open before him, and, according to his account, full of the most dangerous and heretical principles, written—within and without—like the roll in Ezekiel, with lamentation and mourning and woe; but when he comes to file his bill of exceptions, he cannot, by his own admission, quote an objectionable passage—no, not so much as a single offensive word. This, we confess, does seem to us a little extraordinary—but let it pass; for we have not room to treat the subject in detail. In defect of evidence to support his charges, our accuser undertakes to bring us to confession, forgetting the humane rule of the common law, which declares that no person shall be held to criminate himself. He proposes, in his own phrase, ‘to try us by any constant question,’ and accordingly suggests two or three, which we are expected to answer. Independently of the rather inquisitorial character of this method, we must be permitted to remark, that the Scotsman is a little unfortunate in his application of it. Of the problems which he states, all, that are of any importance, have already been solved in this journal, in a manner which would probably be satisfactory to him. As to the unpaid magistracy, and the value of classical literature, they are matters of comparatively trifling consequence, on which, if we recollect rightly, we have not had much occasion to descant: but as respects the weightier subjects of *codification* and an established church, we have repeatedly expressed opinions decidedly in favor of the former, and against the latter, so that we really do not know what this writer means by accusing us of heresy on these points. In treating the question of *codification*, we have not even stated before, what we now honestly confess, that, whatever may be the value of the thing, we heartily detest and despise the name, which, though patronised by the Edinburgh Review and the Scotsman, ought, as we conceive, to be utterly eschewed, with all the other abominable inventions of the same author, by every lover of pure English. Supposing, however, that we had in fact said somewhat less upon the subjects of the established church and codification, than the opposition journals in England habitually do, does not the critic perceive, that our position in these respects is entirely different from theirs? We in America have no church establishment, nor are we embarrassed with ‘the technicalities, cumbrousness, and expensiveness of the English law.’ We

have given, long ago, the best and most decisive evidence of our sentiments on these points, by simplifying the law, and avoiding altogether the plan of an established church. The battle is fought and won. What merit would there be in railing at the enemy after he is fairly beaten, and has cried quarter? The thing which the Scotsman wishes us to be always *talking* about, we have already *done*: and this, according to his neighbor of the Review, is by far the more important part of the business. He has fallen into a similar error in charging us with a disinclination to *innovate*. We deny that we have ever shown any indisposition to real improvements of any kind; but the Scotsman should remember that we have already attained most of the objects which the friends of liberty in Europe regard as desirable. He tells us himself, that 'our country exemplifies a new and happier order of society, which ought to become a source of light to the world; that if Locke and Sydney were living in our day, they would regard the American government as a beautiful and successful experiment, which has solved difficulties that had perplexed the wisest of men from the beginning of time, and unfolded truths of incalculable value to mankind.' Such is his opinion of our institutions; and, although he has thought proper to add in the same passage, that 'the sages of the North American Review have not the slightest conception of all this,' we can assure him that he is quite mistaken, and that our opinion upon the subject is exactly the same with his. But since he has been pleased to put us to the question, we would venture to ask him in turn, why, if our government be already perfect, we are called upon to encourage innovation? Does not he recollect the old Italian epitaph, *I was well, I wanted to be better, and here I am*? We are well—we do not want to be better—we conceive that the best thing that can happen to us is to remain as we are; and this being the case, we can have no motive for wishing to *innovate*. Does our Scotch friend think that, after reaching the top of the hill, we ought to descend rather than not keep moving? Does he wish us to change for the worse, rather than not change at all? Or does he—as is more probable—only wish to find fault?

Charges, which cannot be supported by words or passages, must of course be of a very loose and general character. When the Scotsman has endeavored to present those which he prefers against us in a shape at all tangible, he has failed of giving them

the least appearance of plausibility. He tells us, for example, that we want *true American feeling*. On this point, we must refer him again to his neighbors of the *Edinburgh Review*, who, at an early stage in our progress, pronounced that we were 'abundantly national,' and that 'there was no want of patriotic feeling.' The intimation evidently was, that there was a slight, perhaps excusable, excess of this quality; and we think we may affirm, without the danger of being contradicted, that there has been no diminution since. Again, we 'creep in the train of our reviewers.' As a full defence against this count in the indictment, we appeal with confidence to the articles which we have had occasion, at various times, from the commencement of our editorial labors up to the present day, to address to 'our reviewers' in reply to their strictures upon the United States. However feebly executed in other respects, our readers will do us the justice to allow, that they have not exhibited any disposition on our part to truckle to foreign arrogance, or kiss the rod of unjust criticism. We defy the Scotsman to produce a single sentence in which we have shown an inclination to court the favor of the British press, or of any other portion of the British public. We are quite aware, on the contrary, that the tone we have uniformly maintained in this respect, is not fitted to conciliate the good will of our transatlantic brethren; and if this were the object we had in view, we should of course adopt a different one. A few compliments to their national pride—a few sacrifices to their national interest—and we should soon cease to be 'a pitiful organ of republican America.' We have lately seen one of our countrymen raise himself to the rank of 'the highest existing authorities in political economy,' by saying that the British have eight million tons of shipping employed in the coasting trade. Had he carried his calculation up to ten or twelve millions, he would have equalled the fame of Adam Smith. For ourselves, we look exclusively for encouragement and support to the home market. We court no favor from foreigners, and our only ambition is to merit the approval of our own intelligent countrymen. Far from creeping in the train of 'our reviewers,' we have always regarded it as being, in the present state of the intercourse between the two countries, one of the most interesting branches of our editorial duty, to repel the attacks, and to guard our fellow-citizens against the misrepresentations of the British journals; and we have uniformly acted, and shall continue to act—as far as occasion may appear to require—on this principle.



As the charges of the Scotsman, whenever they assume a tangible shape, are thus palpably, and even ludicrously inconsistent with fact, the general accusation which he deduces from them of lukewarmness in the cause of liberty and a disposition to sustain exploded errors and abuses, of course falls of itself. The truth is, that it is very difficult for us in this country to give satisfaction to our transatlantic brethren, whatever bias we may happen to take. Nothing will answer but direct homage to their grossest prejudices, and even then, we must expect to be told that their approbation of us is merely the result of the *national politeness*. The reproach which has heretofore been generally made against the American press, is that of a tendency to exaggeration in the expression of sentiments favorable to liberty. We have been told that we confounded monarchy with slavery, that our notions of government were narrow and intolerant, and that we could see nothing good or great out of the circle of our own institutions. We have been charged, in short, with being *ultra-democratic* in our political opinions, and this heresy is undoubtedly much more common among us than the opposite one. But if it happen by accident that a journal which appears at long intervals of time, and is or ought to be prepared with more reflection, expresses the same opinions in a rather more deliberate form than the rest, our censors forthwith attack us with 'redoubled rage,' for the want of the same quality, of which we were before reproached with the excess. So delicate is their taste, that it is next to impossible not to offend them in one way or another. If violent, we are blind and bigoted democrats—if considerate, we are lukewarm in the cause of liberty—at all events, we are always in the wrong. This kind of criticism is so easily seen through, that it would be superfluous to expose the injustice of it. We yield to none, as we have already remarked, in attachment to liberty; but we are also aware, with every body else of the least reflection, that liberty, like other good things, may be abused, and that the name is often assumed by false pretenders for unworthy purposes. We may remark here, since the occasion presents itself, that we cannot agree in all the principles that are set forth from time to time upon this subject on respectable authority in the mother country. We are told for example, in the article of the Edinburgh Review, upon the prose writings of Milton, to which we have once before alluded, that liberty, like a certain beautiful fairy in the poem of Ariosto, sometimes

‘puts on the form of a hateful reptile—that she grovels, and hisses, and stings; but that we must admire and cherish her in this degraded and frightful shape, if we mean to be rewarded by her in the time of her beauty and her glory.’ All this means, if it mean any thing, that the real friends of liberty are not only bound to approve, to concur in, and to sympathise with the rational and well-directed exertions of the honest and intelligent laborers in her cause, but also to applaud and aid every charlatan, who chooses for any purpose, however vile, to wear her mask. But a few moments since we were invited, as friends of liberty, to grovel at the footstool of Bonaparte, and we are now called upon, always in the same character, to take counsel with Robespierre—to yell with Marat for two hundred thousand heads—to listen with delighted attention to the ‘orator of the human race,’ and to bow with reverential awe at the shrine of the unveiled Goddess of Reason. However highly we may value the approbation of the Edinburgh Review and the Scotsman, we have no hesitation in saying distinctly, that we shall not purchase it at such a price; and since these writers express their opinion with so much freedom upon our conduct, we would ask them in turn how it happens that they do not set us the example as well as give us the precept? How happens it that they pay no court themselves to their goddess, in her grovelling, hissing, stinging shape? Why is it that we do not find them clamoring with Hunt and Cobbett—blaspheming with Carlile,—and outraging decency with Mary Woolstonecraft and Fanny Wright? All this and more they are bound to do on their own system, but of all this we see little or nothing in their writings, to judge at least from the ‘casual numbers of the Scotsman that accidentally stray into our hands,’ and from ‘perusing at one time or another a considerable portion of the lucubrations’ of the Edinburgh Reviewers. The simple truth appears at last to be, that at the very moment when they are ridiculing and abusing us for lukewarmness in the cause of liberty, their own language is much less liberal than ours. So much for the consistency and decency of these would-be dictators in the republic of letters. As respects the system they recommend to us, and the allegory by which it is illustrated, we may add, that they involve a mistake in fact, which was long ago pointed out by the great English apostle of the rights of man. The degraded and frightful shape, which in days of trouble has often appeared under the

name and character of *Liberty*, is not, as we are told by Milton, the sweet mountain-nymph herself in disguise, but a ghastly counterfeit of her charming appearance, animated by the foul spirit of *License*—a malignant demon, tormented by a continual thirst for human blood. Like the Vampyre Bride in Goethe's poem, this loathsome figure puts on specious looks, and uses honied words—wears perhaps upon her brow the golden round of military triumph, or the red cap of deliverance from bondage; but her only delight is to suck out the life of her victims. Her touch is fatal; there is no remedy for it; those who take her to their bosoms shall surely die.

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ART. III.—*An Act to Incorporate the New-England Asylum for the Blind. Approved, March 2d, 1829.*

There is nothing in which the Moderns surpass the Ancients more conspicuously than in their noble provisions for the relief of indigence and distress. The public policy of the Ancients seems to have embraced only whatever might promote the aggrandizement or the direct prosperity of the state, and to have cared little for those unfortunate beings, who from disease or incapacity of any kind, were disqualified from contributing to this. The beneficent influence of Christianity, however, combined with the general tendency of our social institutions, has led to the recognition of rights in the individual as sacred as those of the community, and has suggested manifold provisions for personal comfort and happiness.

The spirit of benevolence, thus widely, and oftentimes judiciously exerted, continued until a very recent period, however, strangely insensible to the claims of a large class of objects, to whom nature, and no misconduct or imprudence of their own, as is too often the case with the subjects of public charity, had denied some of the most estimable faculties of man. No suitable institutions, until the close of the last century, have been provided for the nurture of the deaf and dumb, or the blind. Immured within hospitals and alms-houses, like so many lunatics or incurables, they have been delivered over, if they escaped the physical, to all the moral contagion too frequently incident to such abodes, and have thus been involved in a mental darkness far more deplorable than their bodily one.



This injudicious treatment has resulted from the erroneous principle of viewing these unfortunate beings as an absolute burthen on the public, utterly incapable of contributing to their own subsistence, or of ministering in any degree to their own intellectual wants. Instead, however, of being degraded by such unworthy views, they should have been regarded as, what in truth they are, possessed of corporeal and mental capacities perfectly competent, under proper management, to the production of the most useful results. If wisdom from one entrance was quite shut out, other avenues for its admission still remained to be opened.

In order to give effective aid to persons in this predicament, it is necessary to place ourselves as far as possible in their peculiar situation; to consider to what faculties this insulated condition is on the whole most favorable, and in what direction they can be exercised with the best chance of success. Without such foresight, all our endeavors to aid them will only put them upon efforts above their strength, and result in serious mortification.

The blind, from the cheerful ways of men cut off, are necessarily excluded from the busy theatre of human action. Their infirmity, however, which consigns them to darkness, and often to solitude, would seem favorable to contemplative habits, and to the pursuits of abstract science and pure speculation. Undisturbed by external objects, the mind necessarily turns within and concentrates its ideas on any point of investigation with greater intensity and perseverance. It is no uncommon thing, therefore, to find persons setting apart the silent hours of the evening for the purpose of composition, or other purely intellectual exercise. Malebranche, when he wished to think intensely, used to close his shutters in the day-time, excluding every ray of light; and hence, Democritus is said to have put out his eyes in order that he might philosophize the better; a story, it is true, the veracity of which Cicero, who relates it, is prudent enough not to vouch for.

Blindness must also be exceedingly favorable to the discipline of the memory. Whoever has had the misfortune, from any derangement of the organ, to be compelled to derive his knowledge of books less from the eye than the ear, will feel the truth of this. The difficulty of recalling what has once escaped, of reverting to, or dwelling on the passages read aloud by another, compels the hearer to give undivided atten-

tion to the subject, and to impress it more forcibly on his own mind by subsequent and methodical reflection. Instances of the cultivation of this faculty to an extraordinary extent, therefore, have been witnessed among the blind, and it has been most advantageously applied to the pursuit of abstract science, especially mathematics.

One of the most eminent illustrations of our preceding remarks is the well-known history of Saunderson, who having been deprived in his infancy, not only of sight but of the organ itself, contrived to become so well acquainted with the Greek tongue as to read the works of the ancient mathematicians in the original. He made such advances in the higher departments of the science, that he was appointed, though not matriculated at the university, to fill the chair which a short time previous had been occupied by Sir Isaac Newton at Cambridge. The lectures of this blind professor on the most abstruse points of the Newtonian philosophy, and especially on optics, naturally filled his audience with admiration; and the perspicuity with which he communicated his ideas is said to have been unequalled. He was enabled, by the force of his memory, to perform many long operations in arithmetic, and to carry in his mind the most complex geometrical figures. As, however, it became necessary to supply the want of vision by some symbols which might be sensible to the touch, he contrived a table in which pins, whose value was determined principally by their relative position to each other, served him instead of figures; while for his diagrams he employed pegs, inserted at the requisite angles to each other, representing the lines by threads drawn around them. He was so expert in his use of these materials, that when performing his calculations he would change the position of the pins with nearly the same facility with which another person could indite figures; and when disturbed in an operation, would afterwards resume it again, ascertaining the posture in which he had left it by passing his hand carefully over the table. To such shifts and inventions does human ingenuity resort when stimulated by the thirst of knowledge; as the plant when thrown into shade on one side, sends forth its branches eagerly in that direction where the light is permitted to fall upon it.

In like manner, the celebrated mathematician Euler continued, for many years after he became blind, to indite and publish the results of his scientific labors, and at the time of his

decease left nearly a hundred memoirs ready for the press, most of which have since been given to the world. An example of diligence equally indefatigable, though turned in a different channel, occurs in our contemporary Huber, who has contributed one of the most delightful volumes within the compass of natural history, and who, if he employed the eyes of another, guided them in their investigation to the right results, by the light of his own mind.

Blindness would seem to be propitious also to the exercise of the inventive powers. Hence poetry, from the time of Thamyras and blind Mæonides down to the Welch harper and the ballad-grinder of our day, has been assigned as the peculiar province of those bereft of vision ;

As the wakeful bird  
Sings darkling, and in shadiest covert hid,  
Tunes her nocturnal note.

The greatest epic poem of antiquity was probably, as that of the moderns was certainly, composed in darkness. It is easy, however, to understand how the man, who has once seen, can recall and embody forth in his conceptions new combinations of material beauty ; but it would seem scarcely possible, that one born blind, excluded from all acquaintance with ‘colored nature,’ as Condillac finely styles it, should excel in descriptive poetry. Yet there are eminent examples of this ; among others, that of Blacklock, whose verses abound in the most agreeable and picturesque images. He could have formed no other idea of colors, however, as his biographer and countryman Mackenzie justly remarks, than was conveyed by their moral associations, the source indeed of most of the pleasures we derive from descriptive poetry. It was thus that he studied the variegated aspect of nature, and read in it the successive revolutions of the seasons, their freshness, their prime, and decay.

Mons. Guillié in an interesting Essay on the Instruction of the Blind, to which we shall have occasion repeatedly to refer, quotes an example of the association of ideas in regard to colors, which occurred in one of his own pupils, who in reciting the well-known passage in Horace, ‘*rubente dexterâ sacras jaculatus arces,*’ translated the two first words by ‘fiery,’ or ‘burning right hand.’ On being requested to render it literally, he called it ‘red right hand ;’ and gave as his reason for his former version, that he could form no positive conception of a



red color; but that as fire was said to be red, he connected the idea of heat with this color, and had therefore interpreted the wrath of Jupiter demolishing town and tower, by the epithet, 'fiery or burning;' for 'when people are angry,' he added, 'they are hot, and when they are hot, they must of course be red.' He certainly seems to have formed a much more accurate notion of red, than Locke's blind man.

But while a gift for poetry belongs only to the inspired few, and while many have neither taste nor talent for mathematical or speculative science, it is a consolation to reflect that the humblest individual, who is destitute of sight, may so far supply this deficiency by the perfection of the other senses, as by their aid to attain a considerable degree of intellectual culture, as well as a familiarity with some of the most useful mechanic arts. It will be easier to conceive to what extent the perceptions of touch and hearing may be refined, if we reflect how far that of sight is sharpened by exclusive reliance on it, in certain situations. Thus the mariner descries objects at night, and at a distance upon the ocean, altogether imperceptible to the unpractised eye of a landsman. And the North American Indian steers his course undeviatingly through the trackless wilderness, guided only by such signs as escape the eye of the most inquisitive white man.

In like manner the senses of hearing and feeling are capable of attaining such a degree of perfection in a blind person, that by them alone he can distinguish his various acquaintance and even the presence of persons whom he has but rarely met before,—the size of the apartment, and the general locality of the spots in which he may happen to be,—and guide himself safely across the most solitary districts, and amid the throng of towns. Dr. Bew, in a paper in the Manchester Collection of Memoirs, gives an account of a blind man of his acquaintance in Derbyshire, who was much used as a guide for travellers in the night over certain intricate roads, and particularly when the tracks were covered with snow. This same man was afterwards employed as a projector and surveyor of roads in that county. We well remember a blind man in the neighboring town of Salem, who officiated some twenty years since as the town crier, when that functionary performed many of the advertising duties now usurped by the newspaper, making his diurnal round, and stopping with great precision at every corner, trivium or quadrivium, to chime his 'melodious twang.'

Yet this feat, the familiarity of which prevented it from occasioning any surprise, could have resulted only from the nicest observation of the undulations of the ground, or by an attention to the currents of air, or the different sound of the voice, or other noises in these openings, signs altogether lost upon the man of eyes.

Mons. Guillié mentions several apparently well-attested anecdotes of blind persons, who had the power of discriminating colors by the touch. One of the individuals noticed by him, a Dutchman, was so expert in this way, that he was sure to come off conqueror at the card-table by the knowledge which he thus obtained of his adversary's hand, whenever it came to his turn to deal. This power of discrimination of colors, which seems to be a gift only of a very few of the finer-fingered gentry, must be founded on the different consistency or smoothness of the ingredients used in the various dyes. A more certain method of ascertaining these colors, that of tasting or touching them with the tongue, is frequently resorted to by the blind, who by this means often distinguish between those analogous colors, as black and dark blue, red and pink, which, having the greatest apparent affinity, not unfrequently deceive the eye.

Diderot, in an ingenious letter on the Blind, *à l'usage de ceux qui voient*, has given a circumstantial narration of his visit to a blind man at Puisseaux, the son of a Professor in the University of Paris, and well known in his day from the various accomplishments and manual dexterity which he exhibited, remarkable in a person in his situation. Being asked what notion he had formed of an eye, he replied, 'I conceive it to be an organ on which the air produces the same effect, as this staff on my hand. If when you are looking at an object, I should interpose any thing between your eyes and that object, it would prevent you from seeing it. And I am in the same predicament when I seek one thing with my staff and come across another.' An explanation, says Diderot, as lucid as any which could be given by Descartes, who, it is singular, attempts, in his *Dioptrics*, to explain the analogy between the senses of feeling and seeing, by figures of men blindfolded, groping their way with staffs in their hands. This same intelligent personage became so familiar with the properties of touch that he seems to have accounted them almost equally valuable with those of vision. On being interrogated if he felt a great desire to have eyes, he answered, 'Were it not for the mere gratification of curiosity, I think I

should do as well to wish for long arms. It seems to me that my hands would inform me better of what is going on in the moon, than your eyes and telescopes; and then the eyes lose the power of vision more readily than the hands that of feeling. It would be better to perfect the organ which I have, than to bestow on me that which I have not.'

Indeed the 'geometric sense' of touch, as Buffon terms it, as far as it reaches, is more faithful, and conveys, oftentimes, a more satisfactory idea of external forms than the eye itself. The great defect is, that its range is necessarily so limited. It is told of Saunderson, that he, on one occasion, detected by his finger a counterfeit coin, which had deceived the eye of a connoisseur. We are hardly aware how much of our dexterity in the use of the eye arises from incessant practice. Those who have been relieved from blindness, at an advanced or even early period of life, have been found frequently to recur to the old and more familiar sense of touch, in preference to the sight. The celebrated English anatomist, Cheselden, mentions several illustrations of this fact, in an account given by him of a blind boy, whom he had successfully couched for cataracts, at the age of fourteen. It was long before the youth could discriminate by his eye between his old companions, the family cat and dog, dissimilar as such animals appear to us in color and conformation. Being ashamed to ask the oft-repeated question, he was observed one day to pass his hand carefully over the cat, and then, looking at her steadfastly, to exclaim, 'So, puss, I shall know you another time.' It is more natural that he should have been deceived by the illusory art of painting; and it was long before he could comprehend, that the objects depicted did not possess the same relief on the canvass as in nature. He inquired, 'Which is the lying sense here, the sight or the touch?'

The faculty of hearing would seem susceptible of a similar refinement with that of seeing. To prove this without going into further detail, it is only necessary to observe that much the larger proportion of blind persons are more or less proficient in music, and that in some of the institutions for their education, as that in Paris for instance, *all* the pupils are instructed in this delightful art. The gift of a natural ear for melody, therefore, deemed comparatively rare with the *clair-voyans*, should seem to exist so far in every individual as to be capable, by a suitable cultivation, of affording a high degree of relish, at least to himself.



As in order to a successful education of the blind, it becomes necessary to understand what are the faculties, intellectual and corporeal, to the developement and exercise of which their peculiar condition is best adapted, so it is equally necessary to understand how far, and in what manner, their moral constitution is likely to be affected by the insulated position in which they are placed. The blind man, shut up within the precincts of his own microcosm, is subjected to influences of a very different complexion from the bulk of mankind, inasmuch as each of the senses is best fitted to the introduction of a certain class of ideas into the mind, and he is deprived of that one through which the rest of his species receive by far the greatest number of theirs. Thus it will be readily understood that his notions of modesty and delicacy may a good deal differ from those of the world at large. The blind man of Puisseaux confessed that he could not comprehend why it should be reckoned improper to expose one part of the person rather than another. Indeed the conventional rules, so necessarily adopted in society in this relation, might seem, in a great degree, superfluous in a blind community.

The blind man would seem also to be less likely to be endowed with the degree of sensibility usual with those who enjoy the blessing of sight. It is difficult to say how much of our early education depends on the looks, the frowns, the smiles, the tears, the example, in fact, of those placed over and around us. From all this, the blind child is necessarily excluded. These, however, are the great sources of sympathy. We feel little for the joys or the sorrows which we do not witness. 'Out of sight, out of mind,' says the old proverb. Hence people are so ready to turn away from distress, which they cannot, or their avarice will not suffer them to relieve. Hence, too, persons, whose compassionate hearts would bleed at the infliction of any cruelty on so large an animal as a horse or a dog, for example, will crush without concern a wilderness of insects, whose delicate organization, and whose bodily agonies are imperceptible to the naked eye. The slightest injury occurring in our own presence, affects us infinitely more than the tidings of the most murderous battle, or the sack of the most populous and flourishing city at the extremity of the globe. Yet such, without much exaggeration, is the relative position of the blind, removed by their infirmity at a distance from the world, from the daily exhibition of those mingled scenes of

grief and gladness, which have their most important uses, perhaps, in calling forth our sympathies for our fellow creatures.

It has been affirmed that the situation of the blind is unpropitious to religious sentiment. They are necessarily insensible to the grandeur of the spectacle, which forces itself upon our senses every day of our existence. The magnificent map of the heavens, with

‘Every star  
Which the clear concave of a winter’s night  
Pours on the eye,’

is not unrolled for them. The revolutions of the seasons, with all their beautiful varieties of form and color, and whatever glories of the creation lift the soul in wonder and gratitude to the Creator, are not for them. Their world is circumscribed by the little circle which they can span with their own arms. All beyond has for them no real existence. This seems to have passed within the mind of the mathematician Saunderson, whom we have more than once referred to, and whose notions of a Deity would seem to have been, to the last, exceedingly vague and unsettled. The clergyman, who visited him in his latter hours, endeavored to impress upon him the evidence of a God, as afforded by the astonishing mechanism of the universe. ‘Alas!’ said the dying philosopher, ‘I have been condemned to pass my life in darkness, and you speak to me of prodigies which I cannot comprehend, and which can only be felt by you, and those who see like you!’ When reminded of the faith of Newton, Leibnitz, and Clarke, minds from whom he had drunk so deeply of instruction, and for whom he entertained the profoundest veneration, he remarked; ‘The testimony of Newton is not so strong for me, as that of Nature was for him; Newton believed on the word of God himself, while I am reduced to believe on that of Newton.’ He expired with this ejaculation on his lips, ‘God of Newton, have mercy on me!’

These, however, may be considered as the peevish ebullitions of a naturally skeptical and somewhat disappointed spirit, impatient of an infirmity which obstructed, as he conceived, his advancement in the career of science to which he had so zealously devoted himself. It was in allusion to this, undoubtedly, that he depicted his life as having been ‘one long desire and continued privation.’

It is far more reasonable to believe that there are certain

peculiarities in the condition of the blind, which more than counterbalance the unpropitious circumstances above described, and which have a decided tendency to awaken devotional sentiment in their minds. They are the subjects of a grievous calamity, which, as in all such cases, naturally disposes the heart to sober reflection, and, when permanent and irremediable, to passive resignation. Their situation necessarily excludes most of those temptations, which so sorely beset us in the world—those tumultuous passions which, in the general rivalry, divide man from man, and embitter the sweet cup of social life—those sordid appetites which degrade us to the level of the brutes. They are subjected, on the contrary, to the most healthful influences. Their occupations are of a tranquil, and, oftentimes, of a purely intellectual character. Their pleasures are derived from the endearments of domestic intercourse; and the attentions almost always conceded to persons in their dependent condition, must necessarily beget a reciprocal kindness of feeling in their own bosoms. In short, the uniform tenor of their lives is such, as naturally to dispose them to resignation, serenity, and cheerfulness; and accordingly, as far as our own experience goes, these have usually been the characteristics of the blind.

Indeed the cheerfulness, almost universally incident to persons deprived of sight, leads us to consider blindness as, on the whole, a less calamity than deafness. The deaf man is continually exposed to the sight of pleasures, and to society, in which he can take no part. He is the guest at a banquet, of which he is not permitted to partake, the spectator at a theatre where he cannot comprehend a syllable. If the blind man is excluded from sources of enjoyment equally important, he has at least the advantage of not perceiving and not even comprehending what he has lost. It may be added, that perhaps the greatest privation consequent on blindness, is the inability to read, as that on deafness is the loss of the pleasures of society. Now the eyes of another may be made in a great degree to supply this defect of the blind man, while no art can afford a corresponding substitute to the deaf for the privations to which he is doomed in social intercourse. He cannot hear with the ears of another. As, however, it is undeniable that blindness makes one more dependent than deafness, we may be content with the conclusion that the former would be the most eligible for the rich, and the latter for the poor. Our remarks will be



understood as applying to those only who are wholly destitute of the faculties of sight and hearing. A person afflicted only with a partial derangement or infirmity of vision, is placed in the same tantalizing predicament above described of the deaf, and is consequently found to be usually of a far more impatient and irritable temperament, and consequently less happy than the totally blind. With all this, we doubt, whether there be one of our readers, even should he assent to the general truth of our remarks, who would not infinitely prefer to incur partial to total blindness, and deafness to either. Such is the prejudice in favor of eyes.

Patience, perseverance, habits of industry, and above all, a craving appetite for knowledge, are sufficiently common to be considered as characteristics of the blind, and have tended greatly to facilitate their education, which must otherwise prove exceedingly tedious, and indeed doubtful as to its results, considering the formidable character of the obstacles to be encountered. A curious instance of perseverance in overcoming such obstacles occurred at Paris, when the institutions for the Deaf and Dumb and for the Blind were assembled under the same roof in the convent of the Celestines. The pupils of the two seminaries, notwithstanding the apparently insurmountable barrier interposed between them by their respective infirmities, contrived to open a communication with each other, which they carried on with the greatest vivacity.

It was probably the consideration of those moral qualities, as well as of the capacity for improvement, which we have described as belonging to the blind, which induced the benevolent Haüy, in conjunction with the Philanthropic Society of Paris, to open there in 1784, the first regular seminary for their education ever attempted. This institution underwent several modifications, not for the better, during the revolutionary period which followed, until in 1816, it was placed on the respectable basis on which it now exists under the direction of Dr. Guillié, whose untiring exertions have been blessed with the most beneficial results.

We shall give a brief view of the course of education pursued under his direction, as exhibited by him in the valuable treatise to which we have already referred, occasionally glancing at the method adopted in the corresponding institution at Edinburgh.

The fundamental object proposed in every scheme of educa-

tion for the blind, is to direct the attention of the pupil to those studies and mechanic arts, which he will be able afterwards to pursue by means of his own exertions and resources, without any external aid. The sense of touch is the one therefore almost exclusively relied on. The fingers are the eyes of the blind. They are taught to read in Paris, by feeling the surface of metallic types, and in Edinburgh by means of letters raised on a blank leaf of paper. If they are previously acquainted with spelling, which may be easily taught them before entering the institution, they learn to discriminate the several letters with great facility. Their perceptions get to be so fine by practice, that they can discern even the finest print, and when the fingers fail them, readily distinguish it by applying the tongue. A similar method is employed for instructing them in figures, the notation table invented by Saunderson, and once used in the Paris seminary, having been abandoned as less simple and obvious, although his symbols for the representation of geometrical diagrams are still retained.

As it would be labor lost to learn the art of reading, without having books to read, various attempts have been made to supply this desideratum. The first hint of the form, now adopted for the impression of these books, was suggested by the appearance exhibited on the reverse side of a copy as removed fresh from the printing-press. In imitation of this, a leaf of paper of a firm texture is forcibly impressed with types unstained by ink, and larger than the ordinary size, until a sufficiently bold relief has been obtained to enable the blind person to distinguish the characters by the touch. The French have adopted the Italian hand, or one very like it, for the fashion of the letters, while the Scotch have invented one more angular and rectilinear, which, besides the advantage of greater compactness, is found better suited to accurate discrimination by the touch, than smooth and extended curves and circles.

Several important works have been already printed on this plan, viz.—a portion of the Scriptures, catechisms, and offices for daily prayer, grammars in the Greek, Latin, French, English, Italian, and Spanish languages, a Latin *selectæ*, a Geography, a course of General History, a selection from English poets and prose-writers, a course of Literature, with a compilation of the choicest specimens of French eloquence. With all this, the art of printing for the blind is still in its infancy. The characters are so unwieldy, and the leaves

(which cannot be printed on the reverse side, as this would flatten the letters upon the other), are necessarily so numerous as to make the volume exceedingly bulky, and of course expensive. The Gospel of St. John, for example, expands into three large octavo volumes. Some further improvement must occur, therefore, before the invention can become extensively useful. There can be no reason to doubt of such a result eventually, for it is only by long and repeated experiment, that the art of printing in the usual way, and every other art, indeed, has been brought to its present perfection. Perhaps some mode may be adopted like that of stenography, which, although encumbering the learner with some additional difficulties at first, may abundantly compensate him in the condensed forms, and consequently cheaper and more numerous publications which could be afforded by it. Perhaps ink, or some other material of greater consistency than that ordinarily used in printing, may be devised, which, when communicated by the type to the paper, will leave a character sufficiently raised to be distinguished by the touch. We have known a blind person able to decypher the characters in a piece of music, to which the ink had been imparted more liberally than usual. In the mean time, what has been already done, has conferred a service on the blind, which we, who become insensible from the very prodigality of our blessings, cannot rightly estimate. The glimmering of the taper, which is lost in the blaze of day, is sufficient to guide the steps of the wanderer in darkness. The unsealed volume of Scripture will furnish him with the best sources of consolation under every privation; the various grammars are so many keys with which to unlock the stores of knowledge, that he may enrich himself with in after life; and the selections from the most beautiful portions of elegant literature will afford him a permanent source of recreation and delight.

One method used for instruction in writing, is to direct the pencil or stylus in a groove cut in the fashion of the different letters. Other modes, however, too complex for description here, are resorted to, by which the blind person is enabled not only to write, but to read what he has thus traced. A portable writing-case for this purpose has also been invented by one of the blind, who, it is observed, are the most ingenious in supplying, as they are best acquainted with, their own wants. A very simple method of epistolary correspondence, by means of a



string-alphabet, as it is called, consisting of a cord or ribbon, in which knots of various dimensions represent certain classes of letters, has been devised by two blind men at Edinburgh. This contrivance, which is so simple that it can be acquired in an hour's time by the most ordinary capacity, is asserted to have the power of conveying ideas with equal precision with the pen. A blind lady of our acquaintance, however, whose fine understanding and temper have enabled her to surmount many of the difficulties of her situation, after a trial of this invention, gives the preference to the mode usually adopted by her of pricking the letters on the paper with a pin; an operation which she performs with astonishing rapidity, and which, in addition to the advantage possessed by the string-alphabet, of being legible by the touch, answers more completely the purposes of epistolary correspondence, since it may be readily interpreted by any one, on being held up to the light.

The scheme of instruction at the institution for the blind in Paris, comprehends geography, history, the Greek and Latin, together with the French, Italian, and English languages, arithmetic, and the higher branches of mathematics, music, and some of the most useful mechanic arts. For mathematics, the pupils appear to discover a natural aptitude; many of them attaining such proficiency as not only to profit by the public lectures of the most eminent professors in the sciences, but to carry away the highest prizes in the lyceums in a competition with those who possess the advantage of sight. In music, as we have before remarked, they all make greater or less proficiency. They are especially instructed in the organ, which, from its frequency in the churches, affords one of the most obvious means of obtaining a livelihood.

The method of tuition adopted, is that of mutual instruction. The blind are ascertained to learn most easily and expeditiously from those in the same condition with themselves. Two male teachers, with one female, are in this way found adequate to the superintendence of eighty scholars, which, considering the obstacles to be encountered, must be admitted to be a small apparatus for the production of such extensive results.

In teaching them the mechanic arts, two principles appear to be kept in view, namely, to select such for each individual respectively, as may be best adapted to his future residence and destination; the trades, for example, most suitable for a sea-port, being those least so for the country, and *vice versa*.

Secondly, to confine their attention to such occupations as from their nature are most accessible to, and which can be most perfectly attained by persons in their situation. It is absurd to multiply obstacles from the mere vanity of conquering them.

Printing is an art for which the blind show particular talent, going through all the processes of composing, serving the press, distributing the types, &c. with the same accuracy with those who can see. Indeed much of this mechanical occupation with the *clair-voyans* (we are in want of some such compendious phrase in our language) appears to be the result rather of habit, than any exercise of the eye. The blind print all the books for their own use. They are taught also to spin, to knit, in which last operation they are extremely ready, knitting very finely, with open work, &c., and are much employed by the Parisian hosiers in the manufacture of elastic vests, shirts, and petticoats. They make purses delicately embroidered with figures of animals and flowers, whose various tints are selected with perfect propriety. The fingers of the females are observed to be particularly adapted to this nicer sort of work, from their superior delicacy, ordinarily, to those of men. They are employed also in manufacturing girths, in netting in all its branches, in making shoes of list, plush, cloth, colored skin, &c, and list carpets, of which a vast number is annually disposed of. Weaving is particularly adapted to the blind, who perform all the requisite manipulation without any other assistance but that of setting up the warp. They manufacture whips, straw bottoms for chairs, coarse straw hats, rope, cord, pack-thread, baskets, straw, rush, and plush mats, which are very saleable in France.

The articles manufactured in the Asylum for the Blind in Scotland, are somewhat different, and as they show for what an extensive variety of occupations they may be qualified in despite of their infirmity, we will take the liberty, at the hazard of being somewhat tedious, of quoting the catalogue of them exhibited in one of their advertisements. The articles offered for sale consist of cotton and linen cloths, ticked and striped Hollands, towelling and diapers, worsted net for fruit trees; hair-cloth, hair-mats, and hair-ropes, basket-work of every description; hair, India hemp, and straw door-mats, saddle-girths, rope and twines of all kinds, netting for sheep-pens, garden and onion twine-nets, fishing-nets, bee-hives, mattresses and cushions, feather-beds, bolsters and pillows; mattresses

and beds of every description cleaned and repaired. The labors in this department are performed by the boys. The girls are employed in sewing, knitting stockings, spinning, making fine banker's twine,—and various works, besides, usually executed by well-educated females.

Such is the emulation of the blind, according to Dr. Guillié, in the institution of Paris, that hitherto there has been no necessity of stimulating their exertions by the usual motives of reward or punishment. Delighted with their sensible progress in vanquishing the difficulties incident to their condition, they are content if they can but place themselves on a level with the more fortunate of their fellow-creatures. And it is observed that many, who in the solitude of their own homes, have failed in their attempts to learn some of the arts taught in this institution, have acquired a knowledge of them with great alacrity, when cheered by the sympathy of individuals involved in the same calamity with themselves, and with whom of course they could compete with equal probability of success.

The example of Paris has been followed in the principal cities in most of the other countries of Europe;—in England, Scotland, Russia, Prussia, Austria, Switzerland, Holland, and Denmark. These establishments, which are conducted on the same general principles, have adopted a plan of education more or less comprehensive, some of them, like those of Paris and Edinburgh, involving the higher branches of intellectual education, and others, as in London and Liverpool, confining themselves chiefly to practical arts. The results, however, have been in the highest degree cheering to the philanthropist, in the light thus poured in upon minds to which all the usual avenues were sealed up,—in the opportunity afforded them of developing those latent powers, which had been hitherto wasted in inaction,—and in the happiness thus imparted to an unfortunate class of beings, who now, for the first time, were permitted to assume their proper station in society, and instead of encumbering, to contribute by their own exertions to the general prosperity.

We rejoice that the inhabitants of our own city have been the first to give an example of such beneficent institutions in the New World. And it is principally with the view of directing the attention of the public towards it, that we have gone into a review of what has been effected in this way in Europe. The credit of having first suggested the undertaking here is



due to our townsman, Dr. John D. Fisher, through whose exertions aided by those of several other benevolent individuals, the subject was brought before the Legislature of this State ; and an Act of Incorporation was granted to the petitioners, bearing date March 2d, 1829, authorizing them, under the title of the 'New-England Asylum for the Blind,' to hold property, receive donations and bequests, and to exercise the other functions usually appertaining to similar corporations.

A resolve was subsequently passed, during the same session, requiring the selectmen of the several towns throughout the Commonwealth, to make returns of the number of blind inhabitants, with their ages, periods of blindness, personal condition, &c. By far the larger proportion of these functionaries, however, with a degree of apathy, which does them very little credit, paid no attention whatever to this requisition. With the aid of such as did comply with it, and by means of circulars addressed to the clergymen of the various parishes, advices have been received from one hundred and forty-one towns, comprising somewhat less than half of the whole number within the State. From this imperfect estimate it would appear, that the number of blind persons in these towns amounts to two hundred and forty-three, of whom more than one fifth are under thirty years of age, which period is assigned as the limit within which they cannot fail of receiving all the benefit to be derived from the system of instruction pursued in the institutions for the blind.

The proportion of the blind to our whole population, as founded on the above estimate, is somewhat higher than that established by Zeune for the corresponding latitudes in Europe, where blindness decreases in advancing from the equator to the poles, it being computed in Egypt at the rate of one to one hundred, and in Norway of one to one thousand, which last is conformable to ours.

Assuming the preceding estimate as the basis, it will appear that there are about five hundred blind persons in the State of Massachusetts at the present moment ; and adopting the census of 1820, there could not at that time, according to the same rate, be less than sixteen hundred and fifty in all New-England, one fifth being under thirty years of age,—a number, which as the blind are usually retired from public observation, far exceeds what might be conceived on a cursory inspection.

From the returns it would appear that a large proportion of

the blind in Massachusetts are in humble circumstances ; and a still larger proportion of those in years, indigent or paupers. This is imputable to their having learnt no trade or profession in their youth. So that, when deprived of their natural guardians, they have necessarily become a charge upon the public.

Since the year 1825, an appropriation has been continued by the Legislature for the purpose of maintaining a certain number of pupils at the Asylum for the Deaf and Dumb at Hartford. A resolve was obtained during the last session of the General Court, authorizing the Governor to pay over to the Asylum for the Blind whatever balance of the sum, thus appropriated, might remain in the Treasury unexpended at the end of the current year ; and the same with every subsequent year to which the grant extended, unless otherwise advised. Seven hundred dollars only have been realized as the balance of the past year, a sum obviously inadequate to the production of any important result, and far inferior indeed to what had been anticipated by the friends of the resolve. On the whole, we are inclined to doubt, whether this will be found the most suitable mode of creating resources for the Asylum. Although in fact it disposes only of the superfluity, it has the appearance of subtracting from the positive revenues of the Deaf and Dumb, an institution of equal merit and claims with any other whatever. The Asylum for the Blind is an establishment of too much importance to be left thus dependent on a precarious contingent, and is worthy, were it only in an economical point of view, of being placed by the State on some more secure and ample basis.

As it is, the want of funds opposes a sensible obstruction to its progress. The pressure of the times has made the present moment exceedingly unfavorable to personal solicitation, although so much has been effected in this way, through the liberality of a few individuals, that, as we understand, preparations are now making for procuring the requisite instructors and apparatus, on a moderate and somewhat reduced scale.

As to the comprehensiveness of the scheme of education to be pursued at the Asylum, whether it shall embrace intellectual culture, or be confined simply to the mechanic arts, this must, of course, be ultimately determined by the extent of its resources. We trust, however, it will be enabled to adopt the former arrangement, at least so far as to afford the pupils an acquaintance with the elements of the more popular sciences. There is such a diffusion of liberal knowledge among all classes in this

country, that if the blind are suffered to go, without any tincture of it, from the Institution, they will always, whatever be the skill acquired by them in mechanical occupations, continue to feel a sense of their own mental inferiority. The connexion of these higher with the more direct objects of the Institution will serve, moreover, to give it greater dignity and importance. And while it will open sources of knowledge from which many may be in a situation to derive permanent consolation, it will instruct the humblest individual in what may be of essential utility to him, as writing and arithmetic, for example, in his intercourse with the world.

To what extent it is desirable that the Asylum be placed on a charitable foundation, is another subject of consideration. This we believe is the character of most of the establishments in Europe. That in Scotland, for instance, contains about a hundred subjects, but who, with their families included, amount to two hundred and fifty souls, all supported from the labors of the blind, conjointly with the funds of the Institution. This is undoubtedly one of the noblest and most discriminating charities in the world. It seems probable, however, that this is not the plan best adapted to our exigencies. We want not to maintain the blind, but to put them in the way of contributing to their own maintenance. By placing the expenses of tuition, board, &c. as low as possible, the means of effecting this will be brought within the reach of a large class of them; and for the rest, it will be obvious economy in the State to provide them with the means of acquiring an education at once, that may enable them to contribute permanently towards their own support, which in some shape or other is now chargeable on the public. Perhaps, however, some scheme may be devised for combining both these objects, if this be deemed preferable to the adoption of either exclusively.

We are convinced that as far as the Institution is to rely for its success on public patronage, it will not be disappointed. If once successfully in operation, and brought before the public eye, it cannot fail of exciting a very general sympathy, which in this country has never been refused to the calls of humanity. No one, we think, who has visited the similar endowments in Paris or in Edinburgh, will easily forget the sensations which he experienced on witnessing so large a class of his unfortunate fellow-creatures thus restored from intellectual darkness to the blessings, if we may so speak, of light and liberty. There is



no higher evidence of the worth of the human mind, than its capacity of drawing consolation from its own resources under so heavy a privation ; so that it not only can exhibit resignation and cheerfulness, but energy to burst the fetters with which it is encumbered. Who could refuse his sympathy to the success of these efforts,—or withhold from the subject of them the means of attaining his natural level and usefulness in society, from which circumstances, less favorable to him than to ourselves, have hitherto excluded him?

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ART. IV.—*Bericht ueber die Versammlung Deutscher Naturforscher und Aerzte in Heidelberg, in September, 1829.*

VON F. TIEDEMANN UND L. GMELIN. [Report of the Proceedings at the Meeting of German Naturalists and Physicians at Heidelberg, in September, 1829. By F. TIEDEMANN and L. GMELIN.] Heidelberg. 1829.

*Rede, gehalten bei der Eroeffnung der Versammlung Deutscher Naturforscher und Aerzte in Berlin, am 18ten September, 1828.* VON ALEXANDER VON HUMBOLDT. [Address delivered at the opening of the Meeting of German Naturalists and Physicians at Berlin, on the 18th of September, 1828. By ALEXANDER VON HUMBOLDT.] Berlin. 1828.

Among the most striking characteristics of the present age, are the general facility of communication existing between the nations of the West, the Europeans and their American descendants, and the readiness with which each of them receives from every other, whatever may be usefully applied to its own condition and circumstances. The late wars in Europe brought the people of different countries into closer connexion than before, and thus gave birth among them to feelings of mutual respect ; while, by rendering them weary of military glory, they tended also to awaken a more general fondness for science and the arts of peace. Even England has cast away many of her ancient prejudices, and has become more willing than formerly, to receive instruction from other nations. The Frenchman no longer regards Paris as the only city worthy of the attention of a traveller : the Spaniard begins to be sensible of the absurdity of his foolish pride ; Russia herself will soon be included in

the circle of civilization; and many of the prevailing misconceptions and false opinions respecting the East, are beginning to disappear. The Chinese are no longer looked upon as mere barbarians: we have, in short, discovered, in the language of a common German proverb, that there are men beyond the mountains. The world is daily becoming more enlightened and more just. Before the people of the United States, lies the whole Western continent, spread out like the prospect from the summit of a mountain—vast, animated, and various; and we are enabled, by the unexampled quickness of our communications with other countries, to adopt immediately from them all their valuable and useful improvements. The Latin language, which, in the middle ages, was the only medium of intercourse among men of learning, is now supplanted by several others. Books are published at the same time, in two or three different dialects; and it has become indispensable for every well-educated man, to be familiar with some other, beside his vernacular tongue. We would not be understood to adopt the common opinion, that the progress of civilization has been retarded by the barriers interposed between nations, by the difference of their languages: nor do we consider it as at all unfortunate, that a single language does not universally prevail. On the contrary, we are convinced, that the great variety of the tongues and dialects spoken by her inhabitants, is one of the causes of the superiority which Europe, a small and insignificant portion of the earth, has obtained over the rest of the Eastern hemisphere. Polite literature is divided, not according to countries, but according to languages: and it passes in each through the same gradations, from the earliest efforts of epic and lyric song, to refined description and attic wit; as the nation, which speaks it, passes itself through the various stages of civilization. This remark, however, cannot with justice be applied to the exact sciences, to the literature of the mechanic arts, or to geography. Still, if one language only had been spoken in Europe, our admiration would hardly have been at the same time excited by Camoens, Ercilla, Dante, Ariosto, the Nibelungenlied, and Milton. If the Danes had spoken the same language as the Germans, Denmark could hardly have produced so many distinguished writers in the short interval between Holberg and Oehlenschlaeger. We will even go further, and assert, that the human intellect would not have attained to its present degree of developement in so many

departments, and with so many shades of difference in each, if the ideas of all men had been necessarily expressed in the same idiom. Language and ideas exert a constant and reciprocal influence; and it is one of the principal charms of the study of a new language, that it discloses to us new ideas.

The Association, the title of whose eighth report is placed at the head of this article, appears to us to be one of the most striking effects of the increased facility and desire of communication between different countries. Knowledge is certainly rapidly advancing. We do not accord in opinion with those, who claim for the present age a superiority in every branch of civilization, science and art; and who forget, in their admiration of Fulton, that the application of the paddle-wheel, or even the mere wheel, to the propulsion of vessels, was an improvement as great as his: but we believe, that particular ages have been distinguished by certain peculiar attainments; and that there has been very little, if any, increase of skill in modern times, though the diffusion of it has become more general and rapid. We are of the opinion just indicated, that every remarkable age has applied its ingenuity and activity to some particular department, in which it has excelled preceding and subsequent ones. The favorite studies at the present day are natural philosophy, geography, statistics, and the application of science to the arts; and the zeal and success with which they have been cultivated, cannot be too highly praised.

The Association of German naturalists and physicians is novel, we may say, unique in its character; and it well deserves to be imitated in other countries. It promises, as the reader will hereafter perceive, to be the means of effecting—what is most earnestly to be desired—a scientific union of the German and French nations: and we deem it, therefore, not unimportant to give some account of its character and history.

In a country, in which natural philosophy is so important an object of general pursuit as it is in Germany, and in which so many professors of the healing art are distinguished, as their annual discoveries and publications abundantly prove, for scientific attainments, it was desirable, that men of science should become personally acquainted with each other; in order that they might more readily exchange ideas, aid one another in their respective plans, and communicate more directly and with greater rapidity, information that could not well be conveyed through the medium of printed transactions; that they might, in short, enjoy the



animating and inspiring influence of the *living word*, and consolidate, as far as might be practicable, the union of the great republic of letters. In the address, of which the title is prefixed to this article, Baron Humboldt remarks, that 'the ancients felt the value of the *living word*, the inspiring influence which superior minds exert over others, and the enlightening effect of free and friendly intercourse on the state of opinion and the direction of inquiry.' The character of this Association may be more accurately described, by contrasting it with two institutions of an opposite character. It is not an academy of sciences, the purpose of which is, to aid profound thinkers in pursuing their deep and solitary researches into the recesses of knowledge, and to publish learned transactions. Its immediate object is to produce a general animation, and a rapid interchange of ideas. On the other hand, it bears no resemblance to the schools of the middle ages, with their cold and vain displays of controversial ingenuity. It aims at the discovery of truth by conversation, and not at the exhibition of dialectic skill. As the edifying and happy influence of public religious services is universally acknowledged, while private devotion is also an incumbent Christian duty, so these disciples of science expect and desire to edify one another by their combined, as well as by their separate labors. The union in an actual community of men, whose purposes are the same, and who labor in the same cause of art, science, politics, and religion, but who are scattered over a vast extent of country, cannot fail to have a very salutary effect. It is also the object of this Association, to become acquainted with the various museums, collections, and other treasures of science, in different parts of Germany; and its meetings are held in successive years, at different places, alternately in the northern and southern parts of that country.\*

Professor Ludwig Oken† may be considered as the founder

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\* This Association will doubtless remind the reader of Klopstock's *Republic of the Learned*, though there is, in fact, no real resemblance between them.

† Oken was at one time a professor at the University of Jena; but in 1820, the Duke of Saxe-Weimar was compelled by the Prussian government to dismiss him, on account of his political opinions. He lived for some time at Aargau in Switzerland, and has lately been appointed professor at the University of Munich by King Louis of Bavaria; who does not seem inclined to tread in the footsteps of the Holy Alliance. The article 'Oken,' in the '*Biographie des Contemporains*,' is not, in all respects, accurate.

of this interesting and useful institution. Its origin and character will be best explained by a view of its constitution, of which the following is a translation.

‘ § 1. On the 18th of September, 1822, a number of German naturalists and physicians formed an Association at Leipzig, which bears the name of the *Association of German Naturalists and Physicians*.

‘ § 2. The principal object of the Association is to afford the naturalists and physicians of Germany an opportunity of becoming personally acquainted with one another.

‘ § 3. Every author of a work on natural philosophy or medicine is considered as a member.

‘ § 4. Inaugural dissertations are not regarded as scientific works for this purpose.

‘ § 5. There is no election of members, and no diplomas are given.

‘ § 6. Any person employed in the study of natural philosophy or medicine, is permitted to attend the meetings.

‘ § 7. No absent member has a right to vote.

‘ § 8. All questions are decided by a majority of votes.

‘ § 9. The meetings are held annually with open doors. They begin regularly on the 18th of September, and continue several days.

‘ § 10. The place of meeting is annually changed. At each meeting, the place where the succeeding one is to be held is determined.

‘ § 11. A president (*Geschaefsfuehrer*) and secretary, who must reside at the place of meeting, manage the affairs of the Association until the succeeding meeting.

§ 12. The president fixes the time and place of meeting, and regulates the proceedings. He must, therefore, receive previous information when any paper is proposed to be read.

§ 13. The secretary makes a record of the proceedings, keeps the accounts of the Association and maintains its correspondence.

§ 14. These two officers sign in the name of the Association.

§ 15. They notify the authorities of the place where the next meeting is to be held, and also give public notice of the same.

§ 16. At each meeting, officers are chosen for the next year. If the persons elected decline, the officers make another choice; and may also, if necessary, change the place of meeting.

§ 17. In the event of the death of one officer, the survivor appoints another. If both shall die, the officers of the preceding year resume their offices.

§ 18. The Association makes no assessment, and holds no property, with the exception of its records. Whatever may be exhibited, continues to belong to the exhibitor.

§ 19. The expenses of the meetings are defrayed by the members present.

§ 20. No change can be made in the constitution, until after the first five meetings.

This institution accords so well with the spirit of the age, or at least with the spirit of the Germans in their ardent pursuit of natural science, that its meetings which were held for the four last years at Dresden, Munich, Berlin and Heidelberg, were remarkably brilliant. The meeting at Heidelberg in 1829 was attended by two hundred and seventy-three naturalists and physicians, among whom were individuals from all parts of Germany, and from Switzerland, Poland, Denmark and Tuscany; together with seven from England, nine from France, and five from the Netherlands.

This meeting was rendered particularly interesting by the presence of Baron de Ferussac, director of the '*Société du Bulletin universel pour la propagation des connoissances scientifiques et industrielles*,'\* who appeared as the representative of that Association, and for a purpose which will be best explained by the following letter, addressed by him to the president of the Society.

MR. PRESIDENT,

The directors of the *Universal Bulletin* have imposed upon me the duty of presenting myself before the meeting of German savans at Heidelberg, to express their wishes and their hopes.

'The statutes of the Society, and the catalogue of its members, together with the other documents, which I have the honor to present to you, will enable you to form a just idea of its character, and of its means of influence.

'It is the object of that Association, which was instituted by virtue of a decree of the King of France, issued on the 13th of March, 1828, upon the report of the ministry and the council of state, to establish a permanent connexion, and an active cor-

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\* The *Bulletin Universel des Sciences et de l'Industrie* is a periodical journal published at Paris, and divided into eight sections, of each of which a number is issued monthly. Baron de Ferussac is the general director. He is assisted by eight editors, one for each section. The sections are arranged as follows. 1. For mathematical, physical and chemical science; 2. natural history and geology; 3. medical science; 4. agriculture, horticulture, fishing, and sporting in general; 5. technology; 6. geography, statistics, political economy, voyages and travels; 7. philology, antiquities and history; 8. military science.—*Encyclopædia Americana*.



respondence between all the friends of science and the useful arts; to the end that the ideas and labors of each may be rendered accessible and useful to all; for without this the progress of all must of necessity be slow, and valuable results far less rapidly effected.

‘This Association, which is peculiarly distinguished by its universal character, belongs exclusively to no one nation, to no single school, to no particular doctrine. It professes to labor for the *public good*. The most eminent friends of science in every country are invited to become its members. They must in every state constitute a committee for the encouragement of science, and for facilitating the labor and researches of scientific men. They must form together the Senate of that general republic of science and industry, which is every day so rapidly increasing with the progress of instruction and the culture of the human mind.

‘The unquestionable importance of such an organization to the interest of science and men of learning, as well as to the progress of civilisation, has induced the association which I have the honor to represent, to believe, that an object so elevated and generous as theirs, will attract the attention of the assembly of learned men, over which you preside.

‘For these reasons, the directors of the *Universal Bulletin* believe, that it belongs to an assembly so remarkable and so solemn as that which is now convened in Heidelberg, to manifest their friendly disposition towards that Institution, by some public act; and I have accordingly been requested, Mr. President, to beg you to cause this letter to be read at one of the earliest meetings of your Association, and to ask that it may be noticed in the report of your proceedings; and if these requests be not disregarded, that it may be made the order of the day for the consideration of the sections.

‘I have also, Mr. President, the honor to enclose six copies of our documents, for the use of the several sections of the assembly.

I am, with high respect, &c.

*Heidelberg, Sept. 13th, 1829.*

The meeting at Heidelberg was organized in four departments; appropriated respectively to chemistry and natural philosophy, mineralogy and geology, botany, and medicine. A general meeting and a separate meeting of each division were held every day. The session continued seven days: and we are astonished, on examining the report, to perceive how much scientific and practical information was communicated, in so short a space of time. Reports of uncommon medical operations were

made ; delicate chemical preparations were exhibited ; new discoveries promulgated ; new instruments brought into notice ; and a great number of scientific treatises read. Letters were received from learned men in many different parts of Europe, and in short, more activity and zeal were displayed, on this occasion, than upon any former one of the kind. This meeting, however, was inferior in brilliancy to that which was held last year at Berlin, and at which, as we have already mentioned, Baron Alexander Humboldt presided. The short introductory discourse, which he delivered upon that occasion, exhibited the refinement and elegance that belong to this distinguished philosopher, so well known throughout the world for his researches and discoveries, in almost every department of natural science. Having mentioned the name of this great man, we cannot permit the occasion to pass without expressing our admiration of his elevated character—our deep sense of the services which he has rendered to the world by his indefatigable efforts in America, Europe, Africa and more recently in Asia, and our ardent wishes that his valuable life may be long continued for the instruction of both hemispheres.

The meeting at Berlin was rendered, by the taste of Baron Humboldt, as pleasing as it was interesting and useful. Its first session in the hall of the royal musical academy was attended by more than five hundred persons, among whom were some of the highest officers of state. To this succeeded the regular meetings. In the evening, a *conversazione* was given by the President, in the great concert-room of the royal theatre. This saloon, which is one of the most elegant in Europe, was arranged by Mr. Schinkel, the King's architect, as a temple of German Fame. Within a semicircle of rays, opposite to the entrance, the names of the most distinguished German naturalists were inscribed in characters of gold and silver. On one side were placed the following lines of Goethe :

Es soll sich regen, schaffen, handeln,  
Erst sich gestalten, dann verwandeln,  
Nur scheinbar stehts momente still ;  
Das Ew'ge regt sich fort in Allem,  
Denn Alles muss in Nichts zerfallen,  
Wenn es im Seyn beharren will.\*

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\* Motion, action, formation, creation, change, are the laws of existence. Repose is a mere appearance, for the Universe is inspired in all its parts by a principle of constant activity ; and ceasing to change is in other words ceasing to be.

On the other side was inscribed the following passage from Schiller :

Es entbrennen im feurigen Kampf die eifernden Kraefte,  
Grosses wirket ihr Streit, Groesseres wirket ihr Bund.\*

The King and several of the princes attended this festival : which was rendered still more attractive by a full orchestra and the first singers of the royal theatre. While the meeting continued, the members were every day conveyed in carriages to a vast dining hall, in which were spread twenty tables, at each of which twenty-four persons were accommodated. Baron Humboldt presided at the first table. No ladies were present, excepting the wives or daughters of such members as did not reside in Berlin.

The institution has been conducted with so much success, that it was proposed at the last meeting that the future ones should occasionally be held in other countries, and it was particularly requested by Professor Oersted of Copenhagen, that the next might take place in that city ; but the invitation was declined for the present, principally because the Association had not yet met in several of the German cities, which contain treasures of natural science well worthy of their attention. Hamburg has been assigned as the place of meeting for the next year. We should rejoice if the attendance there of some of our fellow citizens might produce a literary and scientific union between two regions, separated only by an ocean, which is found to oppose no obstacles of importance to our commercial enterprise. Boston, New-York and Philadelphia, are not really more remote from Paris, than Warsaw, Stockholm, Lisbon, and many other European cities. The representatives of the United States would doubtless meet with a hospitable reception, and a cordial welcome from the inhabitants of a country, which was styled by Madame de Staël '*le pays des pensées et de la bonhomie.*'

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\* The power of conflicting principles is increased by the ardor of contention ; their strife produces much good, but their union still more.



ART. V.—*Melanges Historiques et Littéraires, par M. Villemain, Membre de l'Académie Française.* 2 vols. Svo. Paris. 1827.

Mr. Villemain, the author of the work before us, is one of the most distinguished and popular of the living writers of France. He is the Professor of Eloquence in the University; and his lectures are regularly attended by thousands of intelligent and fashionable auditors. We cannot too highly commend the liberality, which renders these lectures accessible to all. It is most honorable to the French, that their treasures of literature and science are not, like those of some other nations, secured by bolts and bars, which nothing but the magical application of silver can remove. A field of action is thrown open by this liberality to eloquence and talent, which reminds us of the glorious days of ancient Greece. The influence of intellectual ability is visible and felt; operating as it does, not through the comparatively cold and lifeless medium of books, but with all the vigor and effect of oratory, conscious of its power, and consecrated to the most exalted purposes. This may not, it is true, be the most eligible method of imparting profound instruction; but besides communicating extensive information to many, who would not otherwise acquire it, or whose attention would be devoted to nothing better than the ephemeral literature of the hour, it produces an elevated tone of public taste and sentiment, on which much of the character and advancement of society depend. The time, we hope, is not far distant, when courses of instruction, conducted upon similar principles, will become universal in this country, or at least in our larger towns and cities; where there is surely no deficiency in the eloquence and learning, which are essential for their success. It is much to be regretted, that the valuable lectures of professors in our literary institutions, are in general delivered before audiences, composed of students only; when, by a change of plan, they might be rendered very useful and instructive to the public at large. The evil may in some degree be remedied by institutions like the Boston Society for the Diffusion of Useful Knowledge; giving, however, what the circumstances of that society will not probably at present permit, better opportunity to the lecturers for the more complete investigation of their subjects, and rendering the privilege of admission to the lectures more general and free.

The first article in this miscellany is an elegant and animated eulogy on Montaigne. After this follows a discourse upon the benefits and disadvantages of criticism ; a subject which, in the emphatic language of the day, comes home to our own business and bosoms ; and which is treated with eloquence and spirit, and with a more abundant measure of candor, than is commonly to be found in similar productions. The author is obviously not of the number of those deluded and misjudging persons, who are fond of representing critics as the inveterate and natural enemies of promising talent, in the same manner as the ministers of the law are sometimes held up as a brotherhood of rogues, and the professors of the healing art denounced as habitual violators of the sixth commandment. Still, in speaking of the origin of criticism, he is inclined to consider it as a decided and rather singular usurpation ; although he admits, for the purposes of argument at least, that it has been rendered legitimate, if not equitable, by prescription. As to the manner in which this questionable power has been exercised, we think we can perceive a disposition on his part, which we should hardly have expected in a writer so judicious, to look upon the unfavorable side. We are not unfrequently told elsewhere, of the rancor with which contemporary criticism pursued Cervantes ; of the thousand attempts made in his own time to destroy the reputation of Tasso ; of the envy and malice which hurried Racine into seclusion at the very noon-tide of his powers ; and of the bitterness which brought Keats immaturely to the grave. We are not without our doubts in regard to the authenticity of this last example. The potion, though sufficiently unpalatable, is rarely if ever mortal ; though we are far from attempting to justify or palliate the heartless malignity, which some modern critics of no small distinction, actuated by personal or party motives, have deemed not unworthy of their profession and character. But it should not be forgotten, that much of what passes under the name of criticism, is only the jealousy and envy, which are sometimes tempted to assume the lion's skin, the better to accomplish an unworthy or degrading purpose. We might easily produce examples, on the other hand, in which coals of fire have been literally heaped upon the head of the unlucky critic ; indeed, we are inclined to believe, that upon a fair settlement of the accounts between authors and reviewers, the former will be found to be by no means in ar-

rear. The fate of Dennis is not yet forgotten ; the two hundred volumes aimed by Fréron at the head of Voltaire, were answered by missiles less ponderous, but somewhat more effective ; and the world has hardly yet ceased to applaud the vigor, with which Lord Byron flung back the sarcasms of the Edinburgh Review. The truth is, that by selecting particular examples, the office of the critic may be made at pleasure to resemble that of a fallen or protecting angel. The argument against it is drawn from its abuses ; and this is at once the least philosophical and the least conclusive of all arguments.

It would hardly become us to enumerate the qualifications which the task of the critic requires. They consist, according to Mr. Villemain, in perfect impartiality, in earnest wishes to promote the success of others, in a union of correct principles with exalted sentiments, and in delicate and unperverted taste. But it is no more reasonable to expect angels in the form of critics, than in that of rulers ; and acting as we do, with a full consciousness of our infirmities, that task is neither light nor easy. If we could for a moment suppose ourselves to be endowed with all these attributes, we should still be haunted by apprehensions, that authors would continue to take it ill, when they are told, that their works are poor things, and that they are not themselves much better. Our author believes that the raillery which wounds self-love is what renders criticism so intolerable ; and that if authors were only made acquainted with their faults in a grave and argumentative way, they would receive the information with unaffected pleasure. But it is not easy for reviewers, from the public nature of their occupation, to deal with an erring brother according to the injunctions of religion ; and if this were practicable, it would not, in all probability, remove the difficulty. Rousseau tried the experiment with the curate of Mont-Chauvet, when he assured him, in a transport of benevolence, that nothing could be more worthless than his tragedy ; and thus made his reverence an enemy for life. Our faculties, we flatter ourselves, will be borne too meekly to render us justly liable to railing accusations, by frequent acts of injustice ; but if our hope shall be ill founded, we must console ourselves with the reflection, so balmy always to courts of limited jurisdiction, that the great appellate tribunal of the public will remedy the evil, by overthrowing our decisions. The discourse is concluded with the following remarks.



‘As for us, who are young writers, and whose early essays are too unimportant to excite attention, let us not be too forward to delude ourselves with the idea, that we shall deserve to become objects of envy. In violation of the ordinary rule, it is possible, that we may be indifferent writers, and yet severely criticised: but before we accuse others of injustice, let us learn to distrust our own vanity. The love of letters is like every other passion. It blinds, it misleads, it deludes us both with regard to ourselves and others: it mistakes the ardor of its aspirations for the measure of its strength: it is impatient of every obstacle, while it often requires to be arrested in its progress. Talent is rare, vanity credulous, and glory seductive.’

The discourse upon criticism is followed by a eulogy upon Montesquieu; for which, with the two discourses already mentioned, prizes of eloquence were awarded to the author by the University of France. It is impossible, in examining a work like the one before us, embracing a great variety of subjects, to give a particular account of each. We can offer only a short extract from a discourse delivered by Mr. Villemain before the Academy, upon his succeeding to the place left vacant by the death of Mr. de Fontanes; in which his eloquence appears to be animated by a deep sense of personal obligation, and the recollections of early and disinterested friendship.

‘I call to mind involuntarily that Roman usage, which, at the death of some distinguished citizen, some generous patron of youth, allowed one of his clients, one of his pupils, to express from the tribune the public sorrow for the loss: with no other title to the honor than that which gratitude confers, and no other recommendation than the friendship of the departed. I cannot recollect the poor essays, which have acquired for me the honor of a place among you: I cannot look back upon the early stages of my short and humble career, without being at the same time reminded of the kind and liberal friendship of Mr. de Fontanes. It was that friendship which received me at my departure from the public schools, and devoted me at an early age to the occupations of a teacher: it was that which encouraged my earliest essays, and watched over them amidst the trials of that literary competition, which have sometimes attracted towards me your attention: it protected those essays; for a long time it protected me; it honored me always.’

We next turn to an essay upon the funeral oration, in which the French are generally admitted to have excelled all other modern nations. The object of this kind of eloquence is noble

and elevated; for it is no other than that of bestowing just honors upon exalted virtue, and of holding it up as an example for the world to admire and imitate. Mr. Villemain discovers one of its earliest specimens in the lamentation of David for those who fell upon the mountain of Gilboa. He enters into an examination of the most remarkable funeral orations of antiquity; from that which Thucydides has ascribed to Pericles, to the discourse of Hyperides in memory of the Athenians who perished in the attempt to restore the liberties of Greece, a few years after the 'dishonest victory of Chæronea.' The inspiration of the Greek orators was derived from patriotism and freedom; but with all their sublimity and power, they were destitute of that superior dignity, which springs from the rewards and promises of the Christian faith. In the republic of Rome, the custom of thus honoring those who fell in battle, was altogether unknown. The funeral oration was stately and formal; for the patrician orators had scarcely any other task to perform, than that of the English king-at-arms upon the occasion of a royal funeral, when he proclaims the rank and titles of the dead. At a later period, the power of impassioned eloquence was occasionally exhibited in public eulogies on distinguished favorites of the people: a memorable example of which is presented in the funeral oration pronounced by Antony over the body of Cæsar. But it is easy to conceive, what the character of these discourses must have become, when the eulogy on each departed emperor was delivered by his successor, and the virtues of Claudius were celebrated by Nero. Mr. Villemain notices with high commendation the funeral discourses of some of the early Christian fathers; the merit of which appears the more remarkable, when we remember, that they were written at the period of the decline of letters, and the corruption of taste. It is sufficient evidence of their superior excellence, that they were imitated by Bossuet—the absolute and unrivalled monarch in this high department of eloquence—who is placed by the just admiration of our author, far above all his illustrious contemporaries. Since the Augustan age of French literature, this, its peculiar glory, has departed; and the academic eulogy affords but a very inadequate compensation for the loss.

No allusion is made in this essay to the funeral orations of any modern nation, but France; and we are rather surprised upon reflection, to find how few attempts have been

made in England to attain superior excellence in this department. One of the finest examples, which occur at present to our recollection, is the beautiful eulogy delivered by Fox in the House of Commons upon his friend, the Duke of Bedford; which presents us also with a striking illustration of the peculiar character of English eloquence in general, as compared with that of France. We find in it no flights of energy or passion, no enthusiastic appeal to our sympathies. Its tone throughout is subdued and calm; and the feelings of private friendship and personal gratitude are pleaded as an apology for an exhibition of sorrow, which, in the view of a Frenchman, would constitute the principal charm, and should be the most prominent characteristic of the eulogy. In fact, the difference to which we have alluded, appears to be the result of a very marked diversity of temperament and taste. An Englishman is rather apt to regard any public display of excited feeling as unbecoming and unmanly; and he will generally labor to conceal it where it exists, instead of attempting to awaken the sympathy of others by the exhibition of his own grief. One of the most obvious traits in his character is the opposite to that, which Sallust has attributed to Catiline; his wisdom is superior to his eloquence. A Frenchman, on the other hand, can perceive no reason why any emotions should be hidden from the public view; if a man may reasonably feel, he may with the same propriety express them; and in conformity with the rule of Horace, if he wishes to make others weep, he begins the process by shedding tears himself. In this respect, our countrymen, perhaps, bear less resemblance to the French, than to their English brethren. There is among us as much regret and veneration for departed worth, as much affectionate remembrance of lost excellence and virtue, as in any other country; and there is no less of what Adam Smith calls sympathy with the dead. It is only differently exhibited: with little of the public show and parade of sorrow.

The tastes of nations, like those of individuals, do not admit of controversy. If those of England and our own country have been fairly represented, it is plain, that the usual style of the French funeral oration would not be altogether pleasing to English or American audiences. Some desperate attempts have at times been made to copy the most remarkable passages of Bossuet; but all direct imitation has proved wholly unsuccessful, for the reasons we have already mentioned. Our



associations with our last change are grave, chastened, and severe. We have little disposition to throw the illusions of poetical imagination over its awful realities; we have few of those offerings of flowers and other tributes, which are consecrated by affection elsewhere to the memory of the dead; so that we are apt to fall into exaggeration, when we overstep the limits prescribed to us, by our ordinary habits of thought and feeling upon this subject. Cotton Mather, a man of talent as well as of great and various attainments, has given us several specimens of the funeral eulogy, which are probably among the most extraordinary monuments of perverted taste that were ever erected by the ingenuity of man. His laudatory notice of the pious Mr. Partridge, is composed of an unbroken succession of puns; and is concluded with this appropriate epitaph, 'He has flown!' We learn from the elaborate *Pentade* of President Alden, who has decyphered tomb-stones and investigated our sepulchral literature with all the zeal and industry of Champollion and Old Mortality, how common this exaggeration was, at an early period. Sometimes, as in the case of a worthy clergyman who delivered a public eulogy upon his wife, plain prose was altogether inadequate to the expression of sorrow, and grief broke out into a paroxysm of poetry. And the same extravagance appears occasionally in obituary notices at the present time. All this is neither a result, nor an evidence of our ordinary taste; and its absurdity arises from the attempt to express what we do not feel, or, at least, what our habitual mode of feeling forbids us to express in such a manner. To be adapted to our prevailing taste, all such notices should be modest and unobtrusive. When, however, some great calamity, the loss of some eminent public servant, or of a private person of distinguished worth, excites the public feeling in a very unusual degree, the funeral oration will be found to assume a corresponding character of dignity and power. It is praise sufficient, and at the same time well-merited, to say, that many of the discourses delivered upon the occasion of the death of Washington, were in all respects worthy of their venerated subject; and who has forgotten the affecting eulogy in which Fisher Ames poured out his heart in sorrow for the loss of an illustrious and kindred spirit? When two of our most eminent civil fathers were, a few years since, together called from their earthly labors, the deep and universal feeling of regret and admiration was expressed in many beautiful and impressive

eulogies, which would not have dishonored the literature or the eloquence of any age or country. The funeral orations of France, as we have already remarked, might not be perfectly adapted to our ordinary taste; but the effect of some of the discourses to which we have alluded, was produced by the judicious union of their impassioned eloquence, with the gravity and calmness of our own; and a very beautiful example of this union is afforded by a discourse of the late Mr. Buckminster upon the death of Mr. Bowdoin, a part of which only has yet been published, and which was probably considered as too occasional in its character, to be inserted in the collection of his works.

We pass over the introductory discourse of Mr. Villemain's course of lectures upon French eloquence, in order to come to an essay, which contains a short biographical notice of Milton, together with a critical examination of his works. The criticism is not, in general, uncandid nor unjust; but there are some points, in which we are far from according in opinion with our author. In one particular, we feel compelled to make, what was denominated by one of his countrymen, a reply to his silence. We do not find, that he has honored Milton's sonnets with even the cold tribute of a passing glance; and yet, notwithstanding the contemptuous intimations of Johnson, some of them are certainly of the very first order of excellence in a species of composition, better suited, perhaps, to the taste of Italy, from which it was borrowed, than to ours, but in which Shakspeare and Sydney did not disdain to labor, and of which Drummond has left us some examples of uncommon elegance and beauty. He is also wholly at a loss to discover the contrast between the Allegro and the Penseroso, which the names seem naturally to imply. The former appears to him, as Master Hudson's pleasure-party appeared to Rip Van Winkle on the Catskill mountains, a rather melancholy affair; but the difficulty vanishes, when it is considered simply as expressive of a state of mind denominated cheerfulness; with which Johnson, who had previously expressed a similar apprehension, was not particularly conversant, and which certainly bears little resemblance to what a Frenchman would call gaiety. The Comus also, in the opinion of our author, displays less gaiety than sadness; and considered as an imitation, it may perhaps be liable to censure: but it is a little singular, that one who is capable of appreciating Milton's genius, should be insensible to that deep harmony, which enforces attention like the tongues

of dying men, to the grace and richness of the language, and the elevated dignity of the sentiments of that unrivalled production; where genius breaks from the cloud, in which the imitation of inferior models seems at first to shroud it, and stands forth like Æneas, in all the pride of manly and almost celestial beauty. We have no room to follow Mr. Villemain at length in his remarks upon the *Paradise Lost*; but we are glad to see that he is willing to do justice to the language of that immortal song: which, if occasionally disfigured by foreign idioms, is still the inimitable, and we had almost said, the native dialect of surpassing genius; and that he treats with deserved contempt the idea, that the merit of the poet is diminished by his having borrowed the first suggestion of his great work, as Voltaire will have it, from some Italian drama upon the subject of Adam's fall. In common with many other high authorities, however, he seems to consider only a few of the first books of the *Paradise Lost*, as remarkable for their sublimity. It may be so; but who would choose to part with the delightful images of the innocence and purity of paradise, the magnificent description of the rising world, or the vision of the future revealed by the archangel to the father of our race? To us, the poet appears like the spirit in his progress through the realms of chaos; who, though he may occasionally approach some inferior orbs, is still pursuing his majestic flight towards the garden of God.

It is not without regret, that we see our author giving the sanction of his authority in confirmation of the justice of that censure, which has often been bestowed upon the controversial works of Milton. Mr. Villemain is understood to be the friend and advocate of liberal principles; and he has experienced something of the severity by which arbitrary power would subdue the firm hearts and eloquent tongues that refuse to do homage to its idol: and might be expected to pardon something to the great defender of liberty, fallen on evil days and evil tongues. It should not be forgotten, that Milton was ready to devote all that he possessed or hoped for, to this high and holy cause; that he went forth to battle against principalities and powers, armed with that irresistible enthusiasm which shrinks from no peril, despises every obstacle, and cheerfully encounters all sacrifices; that, like the apostle of the Gentiles, he finished his course, he kept the faith, even in the midst of the sorrow and darkness and privation of his later years. For ourselves, we



look with reverence upon such an intellect, engaged in such a cause, and supported only by a prophetic anticipation of the glories which were about to be revealed. It is painful to see liberal and accomplished minds visiting with relentless severity of censure those occasional violations of propriety and correct taste, which are found in the controversial writings of Milton; as if the stern old warrior, in the hurry and tumult of the conflict, had been bound to wield his battle-axe with all the graces of a courtier. Is the tone of religious or political controversy at this day so elevated, that we are entitled thus to condemn its spirit in former times? Has much been gained to the cause of morals or religion, when refined calumny and well-mannered rancor are substituted for the old-fashioned blunt, and undisguised expression of enmity or hatred, or when the war-club of Beauvais is laid aside for the treacherous kiss of Joab? However this may be, it is plainly impossible to form a fair judgment in regard to the spirit of these writings, without taking into consideration at the same time the spirit of the age in which they were written. It was in the century immediately preceding, that the rage of controversy appeared to reach the highest possible degree of intensity and bitterness; when the mildest terms of reproach which Luther could find it in his heart to apply to the royal vindicator of the seven sacraments, were those of liar and blasphemer. Nor was it greatly mitigated, at the period of the civil wars of England. Cavaliers, round-heads, fifth-monarchy men, agitators, and a host of others, were mingled together in one vast limbo-paradise of controversy; and all the resources of ridicule and libel that memory or learning could supply, or ingenuity devise, were lavished with boundless prodigality by each upon all the rest. Such, in truth, was the fashion of the day. An instance occurs to us, which shows that the same spirit was then exhibited in a quarter, in which we should not commonly, perhaps, expect to witness it. The General Court of Massachusetts, in reply to certain unlucky petitioners, published a formal manifesto; in which short, but very distinct and far from flattering sketches were given of the characters of the prominent applicants: and which was concluded with the remark, that a head so unsavory was not to be seasoned with a world of salt. In short, we believe that the faults of Milton, like those of Shakspeare, were the faults of his age; while his inimitable beauties were peculiarly his own.

In the story of Lascaris, our author has attempted to combine

the deep interest of fiction with real characters and incidents ; and it is principally remarkable for its rich poetical coloring, and the flowing beauty of the style. It refers to that memorable period, when Constantinople—the asylum of all that was valuable in philosophy and science, or beautiful in art—became the prey of those wild barbarians, whose iron despotism is at length hastening to its merited doom. Some young and noble Italians, among whom was a son of Cosmo de Medici, are supposed to be travelling in Sicily ; which they find, not as it is at present, almost a barren waste, but still opulent and flourishing, though far inferior to their own delightful land. One day, while the travellers are watching the reflection of the fires of *Ætna* from the bosom of the tranquil sea, a boat is seen to approach the shore. They knew that Constantinople was invested by Mahomet II. with a formidable army ; but the tidings of its fate had not yet reached them, and, indeed, they felt little interest in the fortunes of those who refused to acknowledge the authority of the Latin church. A stranger, of dignified mien and majestic stature, stepping forth from the boat, announces the destruction of that noble city, and informs them that a wretched remnant of the Greeks were wandering with him to find an asylum in that Christian Europe, which had refused to avert their ruin. The stranger was Lascaris ; who relates to the travellers the story of his country's desolation ; and tells them, that, as the Trojans carried with them in their flight the sacred fire of *Vesta*, so he and his companions were bearing to Italy the noble relics of the arts and genius of their unhappy country. They are hospitably received by the Sicilians, who forget their heresy in compassion for their misfortunes. Italy had already begun to admire and imitate the arts of Greece ; and the travellers are anxious to converse with Lascaris upon the subject.

‘ Our great poet, Petrarch,’ said Medici, ‘ having received from the East a copy of Homer, lamented that so rich a treasure should remain useless in his hands. His friend *Boccaccio* instructed him in the language of Greece, and gladly became for him the interpreter of that immortal song.’ - ‘ Oh, that its sublime strains might resound throughout the world !’ exclaimed Lascaris : ‘ it is the imagination and philosophy of Greece, her poets and orators, that shall enchant and reanimate Italy at some future day, and shall pass thence into those other parts of Europe, which you now regard as obscure and barbarous. Beneath the skies of Greece there dwelt a race, blest with the most delightful climate,

and the most exalted freedom. Patriotism was the parent of their inspiration ; and glory elevated the soul to those noble deeds, which are the secret type of all the beautiful arts. Homer invented the beautiful in poetry ; Plato introduced it into ethics ; and reason became sublimer than enthusiasm. Under auspices like these, arose a long succession of orators and poets, whose writings we, miserable fugitives as we are, bear with us into Italy. Never did the vanquished take with them in their flight a richer treasure ; never will hospitality receive a return more noble. Among us, these models of the grand and beautiful might be faithfully preserved, but they would no longer find imitators ; they might enrich our archives, but they could never more impart inspiration. Our minds would rest inactive in a narrow sphere, as our empire was limited at last to the walls of Byzantium. But when these models shall have found a home in Italy, and the barbarous nations of the West, a new and glorious age shall dawn upon Europe. You, Italians, with your liberal ideas, your pacific sovereignties, and your republican cities, will be the first to witness the revival of the spirit of ancient Greece ; and the arts, in their progress from land to land, will at length resemble those fiery signals of which Æschylus has told us, blazing in quick succession from the summit of Ida to the mountain-tops of Mycenæ, to announce the victories of Agamemnon."

The conversation is interrupted by intelligence, that another company of Greeks have landed near Messina, and are anxious to rejoin their countrymen. The most distinguished of this new party is Gemistus Pletho : who has abandoned a brilliant and successful political career, to dwell in obscurity at Athens, amidst the ruins of ancient Greece. He was the friend of Cardinal Bessarion, who, anticipating his country's fate, had for many years adhered to the Latin Church ; but upon whom, notwithstanding his apostacy, much of the hope of his countrymen still rested. The haughty air of Gemistus, and his majestic stature, impress the Italian travellers with respect and awe. Unlike Lascaris, in whom all hope appears to be extinguished, he looks forward with unwavering confidence to the restoration of Greece. He declines the urgent invitation of Medici to accompany Lascaris to Italy, and resolves to await the result of an application which he had already made to Cardinal Bessarion. This result is soon made known by letters from the Cardinal, who urges Gemistus and his companions to come to him at Rome, informing them at the same time, that the Pope had prepared an armament for the



relief of the Greeks ; and to shew the anxiety of Nicholas V. for the welfare of those Christians in the East who still adhered to the Roman Church, the letters are accompanied with a bull, in favor of the King of Cyprus. This paper was among the earliest examples of the art of printing, then recently discovered ; and the admiration of Lascaris, who is now for the first time made acquainted with the discovery, is thus expressed :

‘ Happy effort of human invention, source of new truths, immortal safeguard of truths already known ! All the treasures of intellect which we have rescued from the flames are henceforward in security, even from the ravages of time. They shall be multiplied without number, they shall penetrate into every quarter of the globe ; and they shall carry into all the name and the genius of my country. Here, in the midst of my accumulated sufferings, I hail the dawning of a new epoch in the history of man.’

Letters are received at the same time from Cosmo de Medici ; who declares, that no confidence can be placed in the exertions of Christian Princes for the relief of Greece, and directs his son to invite all the wanderers of that unhappy nation to repair to Florence. The anxiety of Lascaris to depart is increased by the hostility which the Sicilians begin to show to the ceremonies of the Greek Church. At this period the bishop of Ephesus arrives ; whose zeal for his faith is in no degree diminished by the severest trials, and who determines publicly to perform its sacred rites. The description of this ceremony, which takes place by torch-light, beneath the ‘ chestnut of a hundred knights,’ is highly animated and beautiful.

‘ Arrayed in the long white robe of the Greek pontiffs, his head encircled with a crown, the bishop commenced the sacred rites with the same religious dignity and care, with which he could have celebrated them in Ephesus or Byzantium. The Greeks standing around him, with their heads covered, sung with the most delightful accents of the human voice, the hymn of the oriental church : ‘ Holy, Mighty, Immortal God, have mercy upon us !’

‘ At the moment when, according to the ritual of his church, the bishop addresses himself to the assembled people, he exclaimed : ‘ Almighty God ! Christian Greece is not yet destroyed, since in this desert place, beneath this wild shelter, we adore Thee still. Mahomet has indeed profaned Thy temple, he has broken the images of Thy saints : but our pure and spiritual worship depends not upon these perishable symbols. Condescend, O Most High, to sustain the faith of my brethren amidst the trials of captivity, and the

temptations of misfortune ! Preserve our holy religion from the cruelty and the protection of Mahomet ; forgive those prelates who bow to the authority of an impious master, and deprive them not, unworthy as they are, of power to consecrate the people by 'Thy divine word !'

The tree under which these rites are performed, had been consecrated to St. Agatha ; and a furious tumult arises among the Sicilians, upon witnessing what they deem its profanation. The Greeks are protected from the effects of their rage by the intervention of Medici and his friends, and the Spanish governor of Catanea ; and are lodged in the fortress of that city during the remainder of the night. The next morning they proceed under an escort of Spanish soldiery, still accompanied by the Italian travellers, to the court of Alphonso of Arragon, King of the Two Sicilies. An opportunity is afforded by the narrative of their journey, for a vivid description of the country through which they pass. Amidst the ruins of Selinonte, they perceive a venerable figure kneeling before the image of our Savior, near which a taper is burning, according to the rites of the Greek church. This person proves to be Nicephorus, bishop of Heraclea, the most distinguished Greek prelate who adhered to the Church of Rome ; and between whom, and his brother in misfortune, the bishop of Ephesus, a reconciliation is easily effected. The company at length arrive at Palermo, where they are hospitably received by King Alphonso. This monarch, who is represented as combining a taste for letters with military talent, is anxious to retain them in his dominions ; but in compliance with their earnest wishes, reluctantly permits them to depart for Italy. Then bursts forth the full light of that memorable epoch, the dawn of which, a very few years earlier, began to 'purple the east.' Then was accomplished that great revolution, to which most of the social improvements of succeeding years point backward, as their acknowledged source. But the affections of the Greeks still clung to their own oppressed and suffering land ; and the residue of the story, the whole of which is written with unusual grace and beauty, is occupied with the relation of their efforts to excite the sovereigns of Christendom in its behalf, of the repeated disappointment of all their hopes, and finally, of the later years and death of some of the most eminent of their number.

'The old man (Lascaris) did not long survive. His death was deeply lamented in Sicily, to which he had imparted the idea of

superior civilisation and of a better life. But his disciples were spread abroad throughout Europe, carrying with them the memory of his dying words, and those delightful traditions of his own land, which he had so long and fondly cherished. A monument of white marble was for a long time preserved in Messina, which had been erected in memory of Lascaris by the first inhabitants of that city; but the neglect of succeeding generations has suffered every trace of the memorial to perish. Indifference is a destroyer more fatal than time; and no vestige remains of him to whom Europe is still so much indebted, of the savior of the arts of Greece, but a few scattered traditions of his disciples, which we have here attempted to collect and to preserve.'

Mr. Villemain, in common with most of the distinguished scholars of Europe, felt a deep interest in the fortunes of the Greeks, during their late eventful struggle. This sentiment appears to have induced him to write the story of Lascaris, which relates, as we have seen, to the period, when they first became subject to the dominion of the Turks; and which is followed by a historical sketch of the condition of Greece from the time of its subjugation to the year 1814. This sketch, though very short, is yet valuable and interesting; for it describes that condition during a period, which has not before been made the subject of a connected history; and it shews also, that the sternest oppression, though it may subdue, has no power entirely to destroy the spirit of a gallant people. We find in it some traces of that energy and valor, which have been within a few years so signally displayed; and the persevering courage of the Suliotes in defending their native mountains against the force and treachery of Ali Pacha, is not surpassed in self-devotion by any other ancient or modern example.

In a short essay upon the life and writings of Pope, our author displays his usual discernment, not wholly free, however, from national partiality. He places the *Essay on Criticism* far below the *Art Poétique* of Boileau: considers the *Lutrin* as in every respect superior to the *Rape of the Lock*; and the satire *A mon Esprit* as worth the whole *Dunciad*. But he has no sympathy with those modern censors, who, not content with assailing the poet's private character, have labored to cast down his statue from the elevated place, which the world has been contented to assign to it for near a century. There is indeed something strange and almost peculiar, in the fate of



his poetical reputation. He was invested by the fond admiration of his contemporaries, and the succeeding age, with almost despotic authority in the literary world ; but within a few years, a new definition of poetry has been set up, with as much ceremony as a certain statue was anciently erected on the plain of Dura—a definition, which limits the domain of poetry to the world of nature, to the entire exclusion of the world of art, as if art were not itself one of the forms of nature. It is true, that Pope may be in some respects regarded as the poet of social life ; but it is far from being true, that his poetry is wholly the result of it, or that he never ‘opened the windows of his saloon to behold the green fields ;’ and even if it had been so, we should still hesitate to adopt a definition, which would cashier nearly all poets, past, present, and to come. The controversy with respect to Pope’s title to the name has been carried on as fiercely as the battle raged of old over the dead body of Patroclus. From the warmth and vigor of the combatants, one would have thought, that instead of relating to the merits of a writer of the early part of the last century, it must have involved at the very least, some vexed problem of political economy, or some novel measure of taxation. We have neither room nor inclination to engage in this controversy at present ; more particularly, as the approbation of our own age appears to be confirming the judgment of the last ; and as we have no disposition to doubt the correctness of the decision.

In one particular, however, the world at large appears to be in some degree forgetful of its real obligations. We admit, that the poetry of Pope displays little of the infinite variety of Shakspeare, or the sublimity of Milton ; that it is inferior in power to that of Dryden ; but it must still be his unquestioned praise, that he carried the sustained harmony and sweetness of English versification to a degree of excellence unknown before. It is difficult, indeed, to detect much of the dulcet and harmonious in the earlier English poets. The rhymes of Chaucer form no exception to this remark ; those of Sydney would be very unlikely to ravish the ears of modern beauty ; the music as well as the dialect of Dr. Donne, might well enough have been pillaged from his ‘bricklayers of Babel ;’ and even the good genius of Shakspeare, although it be as bright and beautiful as the Ariel of his own enchanter, appears partially to desert him, when he submits, as he occasionally does, to the shackles of rhyme ; while Pope, on the contrary, wears the

chain with perfect grace and ease. We do not deny, that specimens of versification, equal if not superior to his, are to be found in the writings of some of the poets of the seventeenth century; but we know no other example of uniform and unbroken perfection in this department of the art, before the time of Pope. Dryden's translation of the *Æneid* is superior in certain parts to any portion of Pope's version of the *Iliad*; but we think we hazard little in saying, that it is decidedly inferior in point of versification, considered as a whole. Now unless poetry should resemble the sort of music which the clown in Shakspeare declared to be most agreeable to his master—namely, that which cannot be heard—it is really of some slight consequence, that it should not be too chromatic; that it should not grate too harshly on the ear; and we are far from relishing the innovations of some of our contemporary poets, who have attempted to render their versification more attractive, by making it resemble the pirates' song in the *Corsair*, which seemed a song only to ears as rugged as the rocks that sent back its echo. With whatever other defects the 'little nightingale,' as Pope was called in his youth, may be justly chargeable, we are inclined on the whole to consider it as by no means the smallest of his merits, that his claim to the poetical character is not founded on discordant harshness of versification.

We take our leave of Mr. Villemain's work, regretting that it is not in our power to give our readers a more adequate idea of its merits, and more numerous specimens of his pure and beautiful style. We can assure those who may be inclined to examine it, that it will abundantly reward the labor of perusal.

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- ART. VI.—1. *Manifiesto del General Antonio Lopez de Santa Ana à sus conciudadanos.* Vera Cruz. Mayo, 16 de, 1829.  
 2. *Manifiesto del Gobernador del Estado de Mexico, ciudadano Lorenzo de Zavala.* Tlalpam. 1829.  
 3. *Acta del pronunciamiento de la gran Mexico, por el establecimiento de la constitucion y las leyes.* Mexico. 1829.

We have for a long time intended to present to our readers, a view of the actual condition and prospects of our immediate neighbor, the Republic of Mexico. Recent occurrences have

combined with the essential peculiarities of her history and institutions, to command on the part of the citizens of this country, the most anxious attention ; and whether the result of internal dissension or foreign invasion has been the object of solicitude, in regard to Mexico, the public mind has of late been singularly agitated. Recent events were not, however, requisite to give to New-Spain, a paramount importance in the eye of the American politician. Her comparative and absolute influence in the cisatlantic family from extent of territory and density of population, her great physical resources both in a mineral and agricultural point of view, the uniformity in most respects of her political institutions and our own, her complicated diplomatic relations, modified by an onerous foreign debt, and by the encouragement of foreign corporations, and the investment of foreign capital for the improvement of the mines, are independent circumstances, which render her condition a worthy object of interest. We should not so long have postponed the performance of this part of our duty, had it not been for the uncertainty of the prospect and the impenetrable cloud in which an almost ludicrous series of revolutions has involved Mexican affairs. In three years there have been no less than three violent changes of administration, and more local and unsuccessful rebellions than we shall be able to record. To calculate the chances of permanent government in such a political atmosphere, or at any time within the last year, to venture to foretell what might be at the end of a given period, would have been idle. We shall not pretend to predict even now. The elemental war seems in a measure to have subsided, but we have had too much experience in observing Mexican signs of times and seasons, to trust without reserve to cloudless skies and smooth seas. Hoping sincerely that Mr. Jefferson's theory of the salutary influence of frequent rebellions and political commotions may be sound, we will endeavor to give to our readers an intelligible narrative of what has occurred, and a candid expression of opinions of the conduct of the various statesmen who have regulated the policy of Mexico, derived from an attentive, and we believe, impartial consideration of the whole subject. There are several collateral points, to which we may give an incidental notice.

It is fair to premise that our admiration of the Spanish American character is not excessive, and that the result of our observation of the conduct of the new republics since the ter-



mination of actual contest with the mother country, has been severe disappointment. It is but just to ourselves to add, that, great as has been our disappointment, we never have doubted their capacity for self-government. We do not doubt it now. In common with the great body of our fellow-citizens, the progress of the revolution was watched by us with the most intense anxiety. It was a spectacle comparable in point of moral grandeur only with our own struggle for freedom. The patriots of the South were judged worthy of as lofty pedestals as those on which the venerable figures of our own classic worthies stood; and the names of Bolivar, San Martin, Hidalgo, Allende, and Morelos, were as completely consecrated by the fervor of our admiration, as those of any of our revolutionary heroes. There was a vague, we had almost said, irrational enthusiasm on this subject, in which we all equally partook. This kind feeling has gradually given place to a comparative indifference, which, we fear, is, in the minds of many who have had more frequent opportunities of immediate intercourse, but one shade removed from positive aversion. The change of feeling to which we have referred, has been regularly progressive since the period when, by the annihilation of the Spanish power, the new republics no longer needed our sympathy. They had fought the battle bravely, and in its alternate successes and reverses, they had had the cordial wishes of every man in our country. When the triumphant result was achieved, the world looked with equal interest, if not with equal confidence, to their conduct of civil government, and to the event of the most trying period of national existence, the interval between the termination of successful rebellion and the establishment of definite political institutions. That period also ended happily, and constitutions of a perfectly intelligible and well-settled character, though of varied forms, were adopted by all the infant communities. Columbia fixed her constitution in 1821, during the turmoil and confusion of a most bloody civil war, and the Federal government of Mexico went into operation in 1824, while the enemy, an enemy too of most faithful vigilance and determination, was still within her borders. In all these national charters, there were details little consonant with the legitimate provisions of free institutions, and practical inconsistencies at which their sanguine admirers were startled. That nations who had been so long and conscientiously contending for equality of privileges and perfect freedom of thought and action, should, by express

constitutional provision, decree religious intolerance and punish the profession of religious tenets at variance from the national standard of doctrine, could not easily be conceived. This is mentioned as one of the sources of the change of sentiment to which allusion has been made. It was, however, in itself unimportant. The actual state of society, and the influence of ancient habit, in a great measure excused it. Had there been nothing else at variance from our wishes and hopes, such incongruities would have been forgotten. The fruitful causes of discontent have, however, developed themselves since, and may be found in the terrible intestine commotions that have agitated the new republics, of which the impulse has been individual ambition or military licentiousness, and the result too often the virtual prostration of civil liberty at the foot of some successful factionist—in the total want of that sympathy which we anticipated from the uniformity of our political institutions—in the comparative indifference, if not absolute ill will towards us, which has generally been manifested in the course of our diplomatic intercourse, signally so in the instances of the failure of all attempts to negotiate a commercial treaty with Mexico, and the perverse disappointment of the enlightened and beneficent views of our government by the annihilation of the Panama project. These are some of the many causes of the alienation of our affection from our republican neighbors. There are beside peculiarities of Spanish American character, known only by actual and constant intercourse, which have had some share in contributing to the same result. We have referred to the effect of these circumstances as matter of sincere regret. It is, however, a fact beyond dispute, that the inhabitants of the Spanish American countries stand, if not positively, at least relatively, low in our estimation, intellectually, morally, and politically. We question very much whether even ‘forty-five’ of our national representatives could now be found to participate in the enthusiasm so eloquently expressed on this subject on the floor of Congress not fifteen years ago. We have entered on these prefatory remarks reluctantly, but with a firm persuasion that they embody the real, if not the avowed sentiments of a great portion of our fellow-citizens. We must not be understood to say that we have no sympathetic feeling with our fellow-republicans. We have a sensitive and rational sympathy, too sensitive not to perceive defects of character and conduct, too

rational to allow us to pass them without censure, or at least without the expression of regret.

The character of the revolutionary contest in Mexico was essentially distinct from that of the struggle in the other colonies of Spain. The sufferings of the inhabitants of the Viceroyalty of New-Spain, from the consequences of civil war, were far less severe. The conflict, though as enduring in its continuance, had but a local violence; and while scenes were acted of the most bloody and ferocious nature in parts of its territory, the great portion of the population, though not insensible to the excitement, were not immediately exposed to the dangers and sufferings of the conflict. It may be said of the revolutionary war throughout Spanish America, that its characteristic was irregularity. To New-Spain, this distinction particularly belongs. When the difficulty of cooperation with the juntas in the mother country was strongly felt in Mexico in 1809, and dissension occurred between the Viceroy and the Audiencia, the discord was scarcely perceived beyond the limits of the capital. Hidalgo's overt act of rebellion was also limited in its influence, and the effect of the first active revolutionary movement was as partial as its success was temporary. The line of his march from the small village of Dolores, where he raised his standard, to the hill of Las Cruces, within view of Mexico, whence he commenced his fatal and mysterious retreat, and thence to the wilds of Chihuahua, where he was captured and executed, may be traced by the violent combats which attended his career; but except on this line, the country seemed to be tranquil and resigned to any result. Of the unsuccessful attempts of Mina and Morelos, particularly the former, the same remark may be made; and until the close of the war immediately anterior to the adoption of the plan of Iguala and the defection of Iturbide, it may be described as a succession of brilliant, but incoherent struggles, partaking more of the character of a series of accidental insurrections, than of a continuous civil war. The duration of the contest, conducted, as it was on the part of the Spaniards, with scattered forces and inefficient leaders, and the fact, that, with the single exception of Calleja, the conqueror of Hidalgo, and, as he has been called, not inappropriately, the Spanish Claverhouse, no single general officer of distinguished military ability is to be found among the Spanish leaders, strongly illustrate this. Had it been otherwise, and had the same persevering effort been made



by the mother country in Mexico as in Columbia, though the ultimate result would unquestionably have been the same, the contest must have continued much longer, or with the increased necessity of common action, and the imminence of common danger, a more complete and effective organization of the patriotic forces would have been secured. As it was, the revolutionary spirit prevailed by its own essential strength, and from the beginning to the end of the war, the brave men who were acting in opposition to the Viceroy, acted without responsibility or control. If a more thorough excitement had prevailed in the Provinces, this independence of the revolutionary leaders must have ceased, and either a civil or military supervising power would have been called into existence. In May, 1811, Rayon, a chieftain of great capacity, and the first who realized the necessity of producing, by means of a General Congress or Junta, more harmonious cooperation among the enemies of the old dynasty, attempted to convoke a convention at Zitacuazo. In this project, representation of the people seems to have been less an object than the creation, no matter whether by regular or irregular means, of a controlling tribunal of some kind. It met, published a manifesto expressive of the feelings by which the members were actuated, and their views as to the most politic course to be pursued, and, after having continued its sessions for a few months, dissolved by its own weakness, or rather merged in the more general Congress convoked in the following year by Morelos. This distinguished man had, it would seem, from the commencement of the war, cherished with the deepest interest the project of a General Congress, and appears to have been prevented from sooner putting it in execution only by the continuance of the personal danger to which he was exposed. With the most chivalrous spirit, he combined a mind of singular capacity and penetration; and whether he directed military movements, or advised plans of civil policy, he was beyond all question the ablest and most efficient enemy of the Spanish cause that acted a part in the drama of the times. On the 13th of September, 1813, his Congress, composed of the surviving members of Rayon's Junta, of deputies from the province of Oaxaca, the only one wholly in the possession of the insurgents, and of the representatives chosen by them of the provinces in the hands of the royalist troops, met in the town of Chilpanzingo. Its history is soon told. The only acts of the Congress worthy of note, were the declaration of Mexican Independence,

published immediately after its convention, and a sketch of a Constitution for the new Republic, prepared a few months before the termination of its session. At the moment of the convocation of the Congress, the bright star of Morelos had begun to decline, and in the month of November, 1815, after an uninterrupted series of disastrous reverses, he was taken and executed by the Spaniards. On his fall, the Congress seemed to have lost its active principle, and, after maintaining an uncertain existence for a few months, was forcibly dissolved by General Teran. Thus terminated the only two attempts at regular government made in the whole course of the revolution of New-Spain, and with them ended even the appearance of cooperation among the insurgent forces. Mina's invasion followed, and on its disastrous result the energies of the revolutionists seemed paralyzed; their leaders without troops, without money, without means of communication or counsel, were scattered over the face of the country, wandering among the recesses of the mountains; and so perfect was the tranquillity, and so complete the submission, that the Viceroy wrote to his government that the revolution had ended, and that without the aid of an additional regiment, he would ensure the quiet possession of Mexico to the Spanish crown.

The military occurrences of the Mexican revolution are familiar to our readers, and we have incidentally referred to them merely as illustrative of our views of the domestic politics of the Republic. The peculiarities of the contest exercised a decided influence in producing the singular and unfortunate state of feeling to which the origin of parties may be traced. Beside the absence of any organized government, there is another circumstance connected with the concluding years of the revolution, which we will here mention. In 1819, the military contest ended, and during the two years which intervened between that time and the coronation of Iturbide, the succession of events may be more distinctly traced by the various pacific compromises and negotiations which occurred, than by acts of violence and bloodshed. Between 1820 and 1821, there were no military movements of any moment. The restoration of the Spanish Constitution had embarrassed the Royalist leaders extremely, and occasioned a dissension in the ranks of those who before had looked with undivided attention to a single object, and had never deviated from the most perfect unanimity. Royalist hitherto had been a specific term of

precise meaning. A distinction was now drawn between constitutional Royalists and absolute Royalists. The temporary liberty of the press and the institution of a comparatively fair mode of judicial inquiry, gave a license to all parties, by which all were strengthened but the Absolutists, and the Viceroy and his counsellors found their power gradually diminishing by the injudicious liberality of the government they represented, and for whose rights and possessions they were so strenuously contending. The first appearance of Iturbide as a leader, was in the execution of a project of the Viceroy Apodaca, to proclaim the absolute authority of the King in New-Spain, in opposition to the Cortes. In such a project, Iturbide's intelligence and knowledge of the real state of feeling throughout the country prevented him from earnestly involving himself; and his first act, when invested with authority, was by a politic and really beneficial compromise between the Independents and Constitutional Monarchists to give the death-blow to European dominion in Mexico. The *grito* which announced the treaty of Iguala was the knell of the authority of the Spanish monarchy. The provisions of that plan and of the treaty of Cordova, concluded on the arrival of the new Viceroy, were conceived in a spirit of judicious and necessary liberality. The latter was a virtual abdication and disavowal of the rights of the crown of Spain, and its date is that of the termination of the revolution.

The effect of this pacific termination of the conventions of Iguala and Cordova, was the security of the great body of Europeans resident in the country. This result has been pregnant with injury to the happiness and tranquillity of the new Republic. Had the same bloody scenes been acted at the close as at the commencement of the war, and the same exasperation existed generally during the years immediately anterior to the formation of the new government as did locally on the first explosion of the patriotic feeling, the Spanish residents could not have survived, and their expatriation would inevitably have been the consequence of the triumph of the American arms. A plausible pretext for party violence and political profligacy would by such a result have been withheld, and the most fruitful source of animosity would have been cut off. Hostility to the Spanish citizens has been the distinction, for want of a better, of one of the Mexican political sects, and their removal has been the theme of the most acrimonious controversy. Had they been expelled during the excitement of a civil war, and exile been



made the penalty of hostility unequivocally manifested towards republican principles, there would have been no cause of complaint. But to expatriate inoffensive men and good citizens, solely on account of their origin and parentage in spite of *guarantees* and contracts voluntarily made, and more than once solemnly ratified, is an act of political iniquity, which we should be ashamed to excuse. We regard the recognition of the rights of the Spanish residents as a subject of regret, as the necessary effect of circumstances. We consider the violation of those rights as a measure as impolitic as it was unjust. We shall have occasion to refer again to the persecution of the Spaniards in pursuing the narrative of recent events; and in delineating, as we propose to do, the parties which under one name or another have ruled the destinies and distracted the peace of Mexico.

We approach this history of parties with diffidence and reluctance. We know too well the obscurity which shrouds political history in our own country and times, to hope accurately to discriminate between contending parties abroad, or to attempt to give more than a general outline of the distinctive principles of the classes of individuals into whose hands the administration of Mexican affairs has fallen. Since the institution of the new government, there has been a political conflict of unexampled violence and exasperation between parties of nearly equal strength, the first consequence of which was to paralyse the energy of government, even in times of tranquillity, and the ultimate effect a series of revolutions destructive of every thing but the forms of the constitution. It is in the history of these recent commotions that political distinctions may be accurately learned, and to a faithful narrative of these events we invite the attention of our readers.

In the legislature or convention, which assembled after the dethronement of Iturbide, the germs of political discord became animated. The first question agitated in that body was, whether the consolidated or the federal form should be adopted as the basis of their Constitution, and on this point the most intelligent and patriotic Mexicans differed. The example of Columbia was urged on one side; that of the Federal Union of the North American States on the other. The superior energy of a national government legislating for all its citizens, particularly in time of war, was suggested by the Centralists. The danger of the want of a safe local legislation, and of tyrannical

nical usurpation of power by an uncontrolled political head, was vehemently insisted on by the Federalists. The principles of the latter, as is well known, triumphed, and the present Constitution, when once recommended by the Legislature, went into operation without opposition elsewhere.

The adoption of a federal form of government by the constituent Congress of Mexico, has been regarded as a conclusive proof of the enlightened intelligence and salutary policy of her first legislators. We are not prepared to say that this approbation is entirely undeserved; but we do say emphatically, that, by identifying the supporters of a central government with the friends of despotism, or even with the blinded advocates of pernicious or impracticable systems, great injustice has been done. The advocates of centralism were amongst the most liberal and enlightened of the patriots of Mexico. They thought they saw in a Federation of Independent States difficulties of real and insurmountable magnitude, and the experience of the last few years shows that these apprehensions were not wholly groundless. We in our own happy country are very apt to give more weight to the analogy of our political experience, and of our institutions, than they deserve; and that process of reasoning is most unsound, by means of which we conclude, that because our form of government works well, it is therefore the most eligible for other nations. In Mexico, for instance, where the argument was most strongly, but we think inappropriately used, the points of difference between its situation and ours, at the time of forming the Constitution, are most striking. Before the organization of the Federal Union in 1787, we had our Confederation, and before that, the various colonial legislatures acted in their different spheres with harmony and security. Canada and New-York are not more distinct than were New-York and Pennsylvania before the confederation of 1778. In Mexico, before the revolution, there was a perfect political consolidation. The Viceroy and Audiencia ruled the whole kingdom of New-Spain; and the Intendencies, which were subdivisions made for the convenience of the government, and not in consequence of any physical or territorial limits, bore no such resemblance to the well-defined and distinct communities among the British colonies. Not only, therefore, was it necessary to organize the Federal Government, but to create the states of which the Federation was to be formed; and not only was it necessary to supply the Legislature of the Union with

members competent to perform their duty, but to find intellectual supplies to sustain each state legislature.

It had been the policy of the Spanish rulers to keep the inhabitants of the colonies in profound and utter ignorance of political science, and to disqualify them by circumscribing the limits of their observation, and giving an unpropitious turn to their studies and pursuits, from conducting the business of government, or executing its most trifling trusts. This policy had been in great measure successful; and it was in the practical ignorance of the great mass of the population, and in their admitted inability to perform public duties, that the friends of a central, and therefore a simple, government, found a strong argument. In a community of men competent from actual experience to assume political responsibility, a complicated system, requiring the support of many, may be practicable; in a community of separate existing states, jealous of their privileges, and proud of their essential separation, it may be necessary; but to undertake the delicate and laborious process of first dividing, and then joining together; of first making the States, and then the Federation; of first making a political scheme, and then finding men capable of putting it into operation, was more than careful politicians could advise, and what none but the most sanguine could hope to see succeed. All these difficulties might, it was urged, be obviated by the organization of a central government, which would in time of war secure the concentration of the national energies, and in peace preserve to every citizen his rights. It is difficult to deny the strength of such reasoning, and we freely confess that suggestions such as these, which were forgotten in the singular glow of pleasure we felt on learning that our fellow-republicans had followed our example in organizing their infant institutions, have recently revived in our minds. In a former number of our journal,\* our readers will find a view of the superiority of a central government as applied to Columbia. We refer to the sentiments there expressed, as in unison with the opinions which an attentive consideration of the subject has led us to form in regard to Mexico. In Columbia, where the question of the relative advantages of Federalism and Centralism was first agitated, there were many inducements to the adoption of a Federal Government, which did not exist in Mexico. At dif-

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\* No. xxviii. n. s.



ferent periods, during the revolutions, the various departments of the country had declared themselves substantive communities, and had, in the course of the war, by their separate acts, acquired at least the jealousy of independence. For some time anterior to the meeting of the convention which assembled at Angostura in 1819, the four great divisions of Popayan, Venezuela, Carthagená, and Cundinamarca, had been acting separately. These were not merely political creations, but divisions distinctly marked by physical peculiarities, and by difference of population and climate. The inhabitants of the different provinces were in a great measure strangers to each other, having been debarred from frequent and harmonious intercourse, as well by the physical barriers of rivers and ridges of almost impassable mountains, as by the secluding policy of the Spanish Government. To join these distinct bodies into one community, to be governed by one council and common laws, was, therefore, it would seem, far less easy than to organize a confederation, by means of which the delicate duty of local legislation should be left to the States, and which would not wound the feeling of State pride, which, as we have said, antecedent independence had created. Strong, however, as these inducements were, the difficulties of producing an harmonious confederate action, with a population so ignorant and inexperienced, or even of organizing a safe confederacy, were too manifest, and a large majority of the convention of Cucutá wisely approved the project of a consolidated government. In Mexico, it is impossible to find any inducements corresponding to those which so naturally operated on the Federalists of Columbia. There had been no previous cooperation of independent States; there had been, in fact, no independent States to cooperate, no particular State or Province having assumed a separate character and government. There were no strongly marked lines to divide one portion of the country from another, and the population was equally ignorant and inexperienced. There were in reality as perfect consolidation and natural unity as could be devised. In the estimate of the merits of the two systems, we are aware that the opponents of central governments for the Spanish Americans will appeal to the experiment of Columbia, and to the melancholy spectacle her politics present, as affording a complete refutation of all our praise of her Constitution. It would be a sufficient answer to such a suggestion, to say, that the federal experiment in Mexico has

been quite as unsuccessful, and that, if we are to determine the question of the comparative merits of the forms of government by a comparison of the condition and prospects of the nations, the actual condition of the latter country is conclusive. How well the central system of Columbia would have worked, had the nation not been cursed by the presence of an individual of paramount abilities and uncontrolled ambition, it is impossible for us even to conjecture. But that it has failed, and that the nation has been convulsed by intestine feuds, are no more to be ascribed to a defect in the system, than the destruction of a town by an earthquake is to be attributed to a want of skill in the architect who raised it. It seems wholly unreasonable to conclude that the Columbian Constitution was radically defective because General Bolivar has overthrown it. If the Mexican legislators, instead of involving themselves in the intricacy of National and State governments, had organized a simple and efficient machine, for the management of which they were perfectly competent, we are inclined to believe, particularly in the absence of any individual whose talents and influence were formidable, that the administration of their affairs would have been far more easy and prosperous. They would have been more exempt from factious influence and party animosity. The pernicious consequences of the unauthorized and deplorable interference of the State and Federal authorities with each other, would have been avoided. The difficulties of an indirect mode of collecting revenue by quotas, to be raised by State taxation, would have been unfelt. We confess we are not a little influenced in arriving at this conclusion by the observation of recent events, and by the absence of any visible cause of political commotions, such as have lately agitated Mexico. It is but ordinary justice to a set of individuals who have been so much reviled as the friends of a central form of government, to state fairly even the possible advantages of their favorite system, and to give them the benefit of the inference to be drawn from the actual failure of the Federal Constitution.

After all, the Constitution, which was adopted in 1824, and which has continued in operation ever since, is in many particulars but nominally federal. The essence of a federal government is the harmonious and distinct action of the National and State councils in their respective spheres, and an exact specification, as far as is practicable, of the powers delegated to the Government of the Union. Whatever is not

expressly given or necessarily implied is reserved. These distinctions the Mexican legislators have failed to realize, and an awkward interference of the two powers, wholly inconsistent with our ideas of a Federal Union, has ensued. We have not time to do more than cursorily refer to them now. In 1827 and, for aught we know, at this day, several if not a majority of the Governors of the States were military officers of the Federation holding their commissions, and receiving their pay from the Government of the Union. The troops of the Union are under their command whilst on duty in the States, and a military staff of a duplicate character is constantly in attendance to execute the various duties of the ill-defined office.—The Governors of the States, even when having no official connexion with the general Government, are liable to impeachment at the suggestion of either House of Congress for almost every official misdemeanor, and particularly for infractions of the Constitution by the publication of laws contrary to the general laws of the Union and to the constitutional orders of the President; and if an impeachment be determined on by the requisite majority of the Chamber where the accusation is made, the person charged is *ipso facto* suspended from his employment and placed at the disposal of the competent tribunal. That tribunal is the Federal Judiciary, organized under the name of the High Court of Justice, by whose decision a State Governor may be punished in any manner and to any extent. The power of deciding upon the constitutionality of a State law is vested in Congress, and no right to control that body in the course of legislation exists in any branch of the Government. The States are encouraged to interfere in the National legislation by an express provision in the Constitution authorizing them to suggest to Congress such enactments as they may think worthy of adoption. This privilege has not been thrown away, and to one accustomed, as every citizen of this country is, to regard an interference of the State Legislatures as an impertinence, and any the least assumption on the part of the National Government as a usurpation, the legislative records of Mexico will present much that is novel and surprising. The separate jurisdiction and powers of the two great branches of the Federation seem to have been beyond the comprehension of those who framed the Constitution in the first instance, or those who have administered it since. Two instances of this confusion of legislation are recorded, and may be referred to as strikingly



illustrative of the new character of the Government of Mexico. In the spring of 1827, at the time of the commencement of the excitement against the Spanish residents, and soon after Mr. Esteva who had been recently appointed by the President to the Commissariat at Vera Cruz was ordered by the Legislature of that State to return to the capital at twenty-four hours' notice, the Secretary of Foreign Affairs addressed a letter to the Congress of Vera Cruz making inquiries with regard to some supposed disturbances within that State. He was answered that perfect tranquillity existed. In the course of a few weeks, the Governor of Vera Cruz for the attainment of an object of local interest, or in consequence of some apprehended disturbances, called the Legislature together in extraordinary session. No sooner had they met, than the Cabinet at Mexico took the alarm, and the Secretary again wrote to the Congress at Jalapa, indignantly remonstrating at what he called the disingenuousness of their conduct, and inquiring why an extraordinary session was requisite at a time, when, as they said, the public tranquillity was undisturbed. Accidentally the Legislature found spirit enough to resent the tone in which this inquiry was made, and after having the subject under discussion for several days, determined on a proper and laconic reply. The Governor was instructed to remind the Secretary that the convocation of the Legislature at an unusual season might be a measure as well of precaution as of necessity, that it might be neither, but merely expedient for the promotion of local interests, and that when in the opinion of the Legislature it was proper to communicate information to the General Government, it should not be withheld. Another equally characteristic incident recently occurred. In the spring of 1829, on the downfall of Pedraza and forcible elevation of General Guerrero to the Presidency, Mr. Lorenzo de Zavala, then Governor of the State of Mexico, and a warm personal and political friend of the new President, was appointed Secretary of the Treasury. Unwilling to resign the political influence he was enabled to exercise as Governor, he and his friends procured the passage of a law, by which he was permitted to hold both offices, though he was to perform only the active duties of the Treasury department. In the course of a few months, in consequence of one of the sudden and inexplicable changes to which the political atmosphere of Mexico is liable, this permission was unexpectedly revoked, and Mr. Zavala's opponents discovered

that the offices were incompatible. Rejoiced most probably at an opportunity of extricating himself from the responsibilities and embarrassments to which the incurable disorder of the finances of the Union exposed him, he without hesitation resigned his Secretaryship, and announced his intention to resume his State duties. Unluckily, however, in his absence the political party to which he was attached had dwindled into a minority, and his enemies, anxious to preserve the ascendancy which his absence had enabled them to secure, were driven to the necessity of devising some plan by which he could be prevented from resuming the authority of Governor. The Legislature then in session at Tlalpam, the capital of the State of Mexico, by a considerable majority passed a resolution declaring, that though the absolute right of Mr. Zavala to resume his office was unquestioned, yet that his acts whilst Secretary of the Treasury had been of such a nature as to work for the present a moral incapacity for the performance of his duty as Governor,—that he was clearly entitled to the honor and emolument of the station, and was only debarred from the actual administration. To this decision Mr. Zavala found it expedient to submit, and in this equivocal situation he was obliged to continue, until a new revolution might give him an opportunity of again entering on public life.

Such are a few of the most notable instances of the confusion and inconsistency to which we have referred. Many others might be found, and all illustrate the truth of the opinion, that to denominate the Government of Mexico Federal Republican, in the sense we give to those epithets, is an error of language; and that whatever may be its name and form, and however great the merit of its founders, it possesses many of the characteristics of centralism or real consolidation.

We have entered on these detailed observations on the true character of the Mexican Constitution, with a wish to enable our fellow-citizens accurately to understand the analogy which really exists between our institutions and theirs, and properly to estimate the conduct and opinions of the two political parties which originally were formed. Before the year 1824, these theoretical opinions were their distinctive attributes, and in fact as in name they were Centralists and Federalists. By the adoption of the present Constitution, and the consequent triumph of the Federalists, the Central party lost in a great measure its importance, and such of its leaders as were still anxious to

maintain its existence, were compelled to look out for new principles, by which it was to be sustained. These the course of political events soon enabled them to find.

The parties of Mexico have been compared to the Federalists and Democrats of the United States. This comparison is in most respects as unfair as the others to which we have had occasion to refer. In some particulars only there may be detected a slight shade of resemblance. Federalist and Democrat, even with us, are words which convey no adequate idea of the opinions, which those who invented the names severally professed. Each party was in fact composed of individuals differing on many points, and often directly agreeing upon none. Mr. Madison was a Federalist in 1787, and without changing any one of his political opinions became a Democrat in 1798. Fragments of sects coalesced, and by means of such combinations, the many-colored being, called a party, came into existence. In its formation we can trace the action of no peculiar and important principle, and in the result we see nothing but the effect of the strong necessity of union in order to secure influence, and of the sacrifice of unimportant subjects of difference of opinion. In the want of any well-settled principle in their origin, and in this combination of heterogeneous materials, there was a resemblance between the parties of the two Republics. In one material point, however, there was a total dissimilarity. At the end of our revolutionary war we had but few if any native citizens of Great Britain resident amongst us, and claiming an equality of privilege in all respects with Americans. In Mexico the old Spaniards formed an integral and most important portion of the population. They were important from their numbers, their intelligence and their wealth. They had resided in the colonies for a long period of time, and had formed connexions which firmly bound them to the soil. By the pacific termination of the revolution, and the stipulations made between the contending parties, the rights of the Spanish residents had been definitively secured, and at the time the new Government went into operation, they were in the full enjoyment of every right and privilege belonging to native citizens. They were eligible to almost every office under the Constitution, and no distinction was recognized by the laws which affected them injuriously. Thus situated and protected, it might be supposed their station in the community could have been highly enviable. But notwithstanding appearances, and all the legislative barriers



by which they were protected, there was an abundant source of anxiety and apprehension open to them in the known jealousy and aversion of the great mass of the people. They were too well aware of the existence and of the causes of animosity not to be anxious to devise means for their own protection, and with this object they were naturally led to mingle in the incipient political strife, and to look for the safest and most natural associates. That they had ulterior and less pure objects in view originally, we do not think it reasonable, without stronger evidence than has as yet been produced, to believe. However that may be, the Spanish interest formed an important material in the organization of parties. To this body of men, were naturally joined the clergy, both regular and secular, among the latter of whom particularly were many individuals of pure, and what is more rare in Mexico, of unsuspected patriotism; the landholders and other men of wealth and property, who saw the principle of danger in the superiority of their pecuniary resources, and in the insatiable rapacity of those by whom they were surrounded; the friends of a Central system; and we may add, a great body of disinterested citizens, who were actuated by the most honorable motives, and who conscientiously believed the safety of the infant Republic to depend on the participation of some of their enlightened political associates, and on the adoption of a moderate and conciliating policy.—The composition of the rival party, unjustly compared to the Democracy of the United States, was of a very varied character. There were in it, we can easily believe, some individuals of honorable and consistent patriotism, men who had been severely tried in the school of the revolution, and who were ardently attached to republican institutions; amongst these were most of those who in the Constituent Congress had warmly and successfully advocated the adoption of the Federal Constitution. These were honest politicians practically and in theory. The remaining components of this ultra-liberal party were less free from the suspicion of impure motives. The remnant of the faction which had persisted in its devotion to the late Emperor Iturbide, and who, when their idol was in prosperity had always regarded those who now appeared among the leaders of the Spanish party, (we use the name for want of a better,) as his most determined foes, joined the new sect, and seemed anxious to atone for their former sins by the profession of the most exalted patriotism. The great body of the officers of the army, and

that still more numerous class of necessitous political adventurers, which is the natural offspring of a revolution, which is scarcely perceptible whilst the waters are in agitation, but which rises in scum to the surface as soon as they become tranquil, also attached themselves to it. Little penetration is requisite to foresee which of parties so organized would be numerically most powerful, and which in the natural course of events would triumph. Independently, however, of the inherent sources of power, which the latter of these political castes enjoyed, they had the inestimable advantage which deep-rooted popular prejudice gave them, and the auxiliary of a popular watchword, by means of which subsiding passion might at any moment be renewed. 'Exile to the *Gachupines*' was written in bright letters on their standard, and under a banner so inscribed there was no difficulty in always rallying an efficient force. So early as 1824, the expatriation of the European residents was made the pretext of rebellion by General Lobato, whose insurrectionary talents we shall hereafter again have occasion to commemorate, and from that time to the present it has been the prolific theme of all the radical politicians of the Republic.

At the first election of the chief magistrate, after the adoption of the Constitution, the contest was between two distinguished revolutionary patriots, each representing, in a measure, one of the parties we have mentioned, Generals Nicolas Bravo and Guadalupe Victoria. The latter was duly elected President, and the former Vice-President. Though in the decision of this first election, the political distinctions were not perfectly defined, and other interests were involved, there was enough party feeling mingled in the contest, to give to it a high degree of importance. On entering on his official career, General Victoria, it is believed, found himself placed in a situation of great embarrassment and perplexity. His responsibilities were very great. With little or no political experience, he found himself at the head of an untried government, the success of which depended wholly on the vigor and prudence of his administration. An enemy of the most determined character was without, anxiously waiting for an opportunity to attempt reconquest. Relations with foreign nations were not definitively settled. Within, political animosity and party exasperation were working actively. Every thing seemed to obstruct the easy and successful progress of the Cabinet. Two courses of policy were presented to the new President, between which it was necessary for him to decide.

The one was, to act decidedly with one of the contending parties, and by giving to the object of his preference all the influence of the Government, to secure to it a permanent ascendancy. The other, to attempt the difficult task of conciliation, and by means of his great personal popularity, and an impartial distribution of official favors, to assuage existing animosity and reconcile political opponents. Which of them, in a community constituted like Mexico, would have been the most politic and ultimately beneficial course, it is useless even to conjecture. Victoria seems not to have hesitated to adopt the policy of conciliation, and by doing so he evinced the goodness of his heart and the purity of his motives. He formed his first and subsequent cabinets of individuals of both parties, and, generally, in the distribution of office, seemed to be directed by no wish, other than to avoid committing himself with either. He resolutely abstained from all participation in political consultations, and so determined was he in his impartiality, as to give an almost ludicrous air to his caution and reserve.\* Unhappily, this anxiety to be uncommitted, in the mind of an inexperienced politician, is too apt to degenerate into indecision, if not absolute imbecility; and while he was resolutely determined to grant no more favors to one than to the other class of individuals, Victoria seemed to want sufficient energy of character to check the excesses of either. This indecision and want of moral efficiency on the part of the executive, though resulting from a good motive, was destined to be the cause of a series of misfortunes to the Republic.

In 1825, the two political Mexican sects acquired consistency and a specific character, by their connexion with masonic associations. Of the distinction between the two sects of masons, we are wholly ignorant, and can therefore account for their adoption by the two political factions in no other way than by the natural supposition, that they were resorted to as affording a convenient mode of secret consultation and efficient co-operation. Be the distinctive masonic principles what they may, the members of the Scotch and York lodges have become in Mexico identified with zealots of the two orders, and *Escoces* and *Yorkino* are terms of political distinction, which are

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\* The political wags of Mexico used to say of President Victoria, that, in his anxiety to avoid the appearance of partiality to either party, when he rode in the Alameda, he made it a point always to sit in the middle of his coach.



perfectly well understood, and, on that account, terms of great convenience. The Scotch lodge appears to have been instituted in Mexico at a much earlier date than its rival. The first York lodge was organized in Mexico in 1825. We wish it to be understood, that we are neither masons nor anti-masons. We neither believe masonry to be coeval with the world nor coincident with all the good that has been done in it, nor do we believe masonry to be of satanic origin, and wholly inconsistent with the spirit of our free institutions; but, perverted, as we believe it to have been in Mexico, from its proper objects and genuine principles, and converted into an engine of political warfare, we most sincerely deplore its encouragement in any country. In a community oppressed by despotism, and struggling for liberty, secret associations may be convenient as affording secure means of harmonious action; but in a country swayed by no tyranny, and liable to no oppression, except what party animosity affords, they may be viewed as so many nurseries of political rancor and factious malignity. In Mexico these affiliated juntas soon organized an effectual correspondence, and in the midnight conclaves of the masonic societies, if rumor is to be credited, the various plans and modes of policy were devised, which were to be ultimately suggested and discussed in the councils of the nation. All the active politicians were not, however, actually attached by regular initiation to the lodges; but so general was the adoption of one or the other of the societies by those who were prominent in the career of domestic politics, that the appellation became sufficiently distinctive, and though all the *Liberal* party (to use their own language) were not technically Yorkinos, nor all the Spanish party Escoceses, yet every politician, so far as the political distinction went, was either Yorkino or Escoces. In point of talent and moral vigor, the Escoces party has always had a decided advantage. In its ranks were found, without exception, all the Spanish residents, among whom were many individuals distinguished for their high intellectual culture and accomplished education. To these may be added a number of Mexicans, who, in the course of the revolution, and particularly during the existence of the Cortes, had travelled abroad, and visited not only the mother country, but England and France. To most of these individuals, many of whom have filled the most elevated offices of the republic, we most readily pay the just tribute of unqualified respect. We believe them to be the true

patriots of Mexico, actuated by pure motives, and aided by more experience and practical information than many of their fellow-citizens can pretend to. Numerically, as we have before observed, the Yorkino party has been, and so long as its unity is preserved, will continue to be, the stronger, and it is to be peculiarly regretted that among those into whose hands the Government is most likely to fall, there should be less enlightened intelligence, and, as we think has been made apparent in the persecution of the Spaniards, less moral rectitude than among those who form the minority.

From the time of the presidential election to the end of the year 1826, there was profound tranquillity in the Republic. The conciliatory policy of the executive seemed to answer all its ends, the foreign relations of the country were most favorable, the national credit was high, and the payments of interest on the loans were regularly made; a vast amount of capital had been invested by foreigners in the mines, and by means of the permanent interest thus created in the preservation of tranquillity, the most sanguine anticipations of national prosperity were not unreasonably entertained. In the Cabinet at Mexico, it was known that decided differences of opinion had existed. The interests and principles of the Escoces party were sustained by a decided majority in the Senate, and a small but equally effective one in the House of Representatives; whilst their opponents by indefatigable exertions, the aid of the press, and a dexterous use of circumstances, showed every disposition to contest their ascendancy in the administration of affairs. Still, strong as the symptoms of approaching disorder were, there was so much confidence reposed in the President, and so decided a disposition to yield to his personal influence, that but for a series of unforeseen accidents, the tranquillity of the nation, though from a want of essential elements it could not have been permanent, might have been much longer continued. In the early part of January, 1827, a Dieguino monk, of the name of Arenas, was arrested in the capital on a charge of being implicated in a treasonable conspiracy to overthrow the Government and restore the dynasty of the Bourbons. What evidence was produced against this man, in relation to whom there was a division of opinion as to his sanity, we do not know, having never seen any specific statement of the charges against him, or even a general report of his trial. The narrative of the plot, as given by the Yorkino party on his arrest, carried

absurdity on its face, and was conclusive of one of two things, either that the whole matter had been got up to promote a political end, or that Arenas had been selected as weak enough to allow himself by artful suggestions to be involved in a palpably impracticable and senseless plot against the Government. Numerous arrests were made of various insignificant priests and subordinate military officers, and Arenas, after lingering through all the forms and delays of Mexican criminal judicature, was, on the second day of June, 1827, shot by order of a military commission at the palace of Chapoltepec. A few months previous, additional cause of alarm and distrust had been given by the sudden arrest of two distinguished Mexican officers, Generals Negrete and Echávarri, on a charge of a similar kind. These two individuals, both of whom had been officers in the revolutionary service, in addition to the specific offence for which they were arrested, had the indelible stain of European nativity, which rendered them at once ready objects of suspicion, and most acceptable offerings to public prejudice. They were arrested at midnight in their houses, and taken from the capital to prison, one in the castle of Perote, the other at Acapulco. After a long judicial investigation, of the details of which the public learned but little, one, if not both, was sentenced to permanent exile, and is now residing in this country. In relation to the merits of this alleged conspiracy, we speak with great diffidence, for the simple reason that we are noticing subjects of which we are in great measure necessarily ignorant, but from what we do know, we have no hesitation in saying, that the extent and importance of the plot of the Padre Arenas and his followers were greatly exaggerated. Had it been as serious as was at first supposed, others beside a half-witted priest would have been detected and punished, and a detailed history of so foul a conspiracy, involving, as it would have done, a large and detested portion of the community, must have been given to the world.

The consequences of these arrests, and of the dark suspicions to which they gave rise, may easily be conceived. A new impulse was given to the popular hostility towards the European residents, and a great accession of strength resulted to the Anti-Spanish party. Exile and confiscation were talked of without reserve; placards of the most inflammatory character were circulated; memorials from the Yorkino Legislatures were daily sent to Congress, urging that body to act; the elec-



tions had been generally strongly influenced, and it was soon apparent that it would be almost impossible to stem the torrent of prejudice and persecution. The President himself at last yielded, and a succession of legislative measures were adopted by Congress, the result of which has been the entire expatriation of the Spanish residents. It commenced in 1827, by the publication of a law declaring all natives ineligible to office, and ended in the passage of a law by considerable majorities in both houses, directing the President immediately to give passports to all the Spaniards remaining in the Republic.

We have already had occasion to mention the conduct of Mexico towards the European residents, and now recur to it merely to state the precise contract which the legislators of the new community have found it expedient to violate, and the prejudicial consequences which have ensued. When Iturbide first raised the flag of opposition to the Viceroy, he found it necessary to pursue in the outset, the policy of conciliation and compromise. He had been deputed as well against the Constitutionalists as against the Republican Insurgents, and it became necessary for him in order to sustain himself, to devise some plan by which these two classes should be united and their interests identified. The fruit of his reflection was the plan of Iguala. Its provisions, as far as they affect the privileges of the Spaniards, are perfectly distinct. It provides for the maintenance of the religion of the Church of Rome, for the union of the Creoles and Spaniards, for the independence of Mexico, for the privileges and immunities of the clergy, and for the protection of the persons and property of the citizens. It declares, finally, all the inhabitants of New-Spain, without distinction of persons, Europeans, Africans and Indians, and their descendants, to be citizens, and to be eligible to all offices according to their merits and virtues. This plan, objectionable as it was in some of its features in the eyes of the Republicans, was acceded to by all, and must be considered as a solemn national compact, vesting certain rights in all who were parties to it. The treaty of Cordova between Iturbide and O'Donoju followed. In all the provisional governments, which were formed in the interval between the treaty of Iguala and the adoption of the Federal Constitution, there was the same indiscriminate recognition of the rights of all the residents. Under the Constitution of 1824, the privileges of the Spanish citizens were more positively ascertained. They were declared

citizens; they were made eligible to every office except to the high executive stations and to the cabinet Secretaryships; and so certain did the framers of the Constitution wish to make their security, that among those excepted from the disabilities of aliens, natives of Spain resident in Mexico are expressly mentioned. In 1826 and 1827, there was more than one member of Congress who was a Spaniard by birth. In addition to these protections expressly provided for them, their property and persons were secured by the sections of the Constitution, prohibiting the confiscation of goods, or ex post facto laws, (*leyes retroactivas*. Art. 147, 148.)

In violation of all these solemn contracts, the majority in Mexico have determined, and apparently without compunction, to sacrifice the unfortunate, and we cannot but think, unoffending Spaniards. We have said that it is matter of regret, that the Spanish residents had not left the country during the revolution, or as soon as its result was ascertained. Had they then been forcibly exiled, a sufficient excuse would have been found in the necessary excitement of the times, and in the sense of severe oppression to which the Creoles were immediately liable. But it is to the iniquity of the sacrifice of rights deliberately and unequivocally guaranteed, that our censure relates. State necessity, we have been often told, is the tyrant's plea; but even the tyrant, before he resorts to this, his worst and weakest apology, usually so far yields to public opinion as to show a case of strong necessity. In Mexico, it is true, there is an attempt to show the necessity of an act of injustice and confessed infraction of law. It has been a feeble and ineffectual attempt. We are, say the advocates of proscription, at war with Spain, and it is unsafe to allow a participation of the privileges to the children of our enemy, who must still have some affection to their parent. Why then, it may be asked, were they ever allowed the privilege, of which you seek to deprive them, and why, if it is said there was a necessity of conciliation at Iguala, was an express recognition inserted in the Constitution? But it is said, they are plotting against the Government, and engaged in treasonable correspondence with the mother country. The answer to such suggestions is obvious; let the guilty be punished, and let the punishment be boldly vouched as the just retribution of an offended public. Let the severest penalties of the law fall on the heads of the offenders, but let the law which recognizes privileges, have as fair a chance as that which prescribes punishment.

The impolicy of obliging the Spaniards to leave the country of their adoption, has, we believe, been severely felt. In consequence of their enterprise and wealth, the greater portion of the commercial business of the country had fallen into their hands. Their credit was high, and so great was the available capital which they controlled, that it was matter of great convenience, as well to the foreign as to the native merchants, to transact business with them. Their perfect integrity, contrasted as it was with the characteristic dishonesty of the Creole traders, gave a degree of confidence to all who were connected with them, which is essential to mercantile enterprise and success. The wealth and character of the Spanish capitalists contributed in no small degree to the credit of the Government abroad; for so long as the Spaniards remained in the country, and were interested in the preservation of tranquillity, and in the successful result of the political experiment, the national creditors abroad felt that they had a permanent security; and it is perhaps not venturing too far to say, that, had not this source of confidence been cut off, even though there had been irregularity in the payment of the interest, new loans might have been negotiated. As it was, the first failure of Mexico to pay the interest on her foreign debt, was contemporaneous with the first invasion of the rights of the Spanish merchants, and the natural result of this unfortunate coincidence was the immediate suspension of all confidence abroad, and the fall of the stock even below the low level of the other American securities. Since the departure of the only capitalists in Mexico, the necessities of the Government have increased as their sources of supply have diminished; no foreign loans can be negotiated, commerce has declined, and the only mode of borrowing money at home they have themselves cut off. The principal source of revenue has always been the Custom-House, and since the decline of the public credit, this dependence has also in great measure been withdrawn. The large mercantile establishments of the Spanish merchants, extending over the whole country, and able by their wealth to establish branches both on the coast and at the chief towns in the interior, afforded facilities to the commercial communities, which were most sensibly felt. All these advantages, by this act of injustice, and, as we believe is now admitted, of impolicy, have been lost.

The number of *desterrados* was very great. Neither age nor poverty afforded an exemption, the law being enforced with



great rigor, and the shores of every neighboring country were strewn with the broken remnants of the once majestic vessel of the Spanish power in America. Many of the emigrants, on their arrival in the United States, whither a large majority repaired, as to the nearest place of refuge, were totally destitute of means of support. In New-Orleans, scenes of most agonizing distress were exhibited, and to such an extent was it carried, that but for the benevolent exertions of the inhabitants of that city, many of these unfortunate exiles would have perished from want and exposure. In Mexico, the individual suffering was intense; wives were separated from their husbands for want of the pecuniary ability to accompany them; fathers were torn from children whom they were obliged to leave with the most uncertain means of support; the humblest *arriero* in the country, dependent for actual sustenance on his peculiar labor, had to yield obedience to the stern mandate of the Government; and the poor ballet-master, who had been so instrumental in affording amusement to the ungrateful legislators of the metropolis, was equally affected by the penalty of the law, with the most active Escoces, who had the misfortune to have been born in Spain. It might be considered as a comparison almost ludicrous, to point out the analogy of the exile of the Spaniards, to the standing instances of impolicy, the revocation of the edict of Nantz, and the expulsion of the Moors from Spain; but in no respect, neither in folly, importance, nor consequences, as respects Mexico, are they very dissimilar. In the origin of all three there is a strong resemblance. Prejudice and fanaticism of one kind or another were the impulses in all.

It is to the excitement occasioned by the conduct of the Government towards the Spaniards, that we may immediately ascribe an event which ensued, and which, as being the first of a series of rebellions and revolutions, and as thence becoming authority for what followed, every friend of Mexico, and republican institutions, must cordially regret and condemn. We refer to the abortive plot, which was developed in January, 1828, and is generally denominated the rebellion of Otumba. At the head of it, unhappily for himself, his party and his country, was the then Vice-President of the Republic, Nicolas Bravo. No one, who has made the revolutionary history of Mexico a subject of study, can fail to recollect the agency of this distinguished individual in promoting the successful result of the contest. As a patriot, General Bravo was unsuspected,

having proved his unwavering fidelity by sufferings and sacrifices of more than ordinary severity; as a soldier, he was distinguished by his untiring determination and romantic courage, and as a man, he had acquired a distinction the brightest and proudest a military man can secure, of never, in the course of a long and ferocious war, in which the courtesies and moderation of civilized conflict were by common consent disregarded, having been betrayed into a violent or vindictive act, or having unnecessarily stained his sword with blood. His father and brothers had at different times been butchered, by order of the Viceroy; yet with all these inducements to the indulgence of revenge, it is recorded to his honor, that no prisoner of war who happened to fall into his hands, ever had reason to complain. To this gentleness of disposition, he added a most faithful attachment to the country of his birth, and a rooted aversion from the control of the mother country. He was one of the earliest opponents of Iturbide, and was an active member of the temporary government, which was organized on his fall. On his election to the Vice-Presidency, he experienced the usual fate of the second officer of a federal government, and ceased to act a prominent part in public affairs. As the leader of the Escocés party, however, he continued to sustain his importance, and to him, as one of the candidates for the Presidency, public attention was more or less directed. His political sentiments, in most respects, were ascertained, and it was perfectly well known, that to the proscriptive and harsh policy of the Yorkino party he was decidedly opposed. However unequivocally his sentiments on this subject were expressed, there was too much confidence reposed in his patriotism and characteristic moderation, to allow any one to anticipate so mad an act of opposition to the constituted authority, as the revolt of Otumba. The history of that attempt may be told in a few words. The first alarm given in the capital, was in the last week in December, 1827, when it was ascertained that a colonel in the army, of the name of Montaña, had raised the standard of rebellion, and published an inflammatory manifesto at Otumba, a small village near Mexico. At first, this movement was carelessly regarded by the Government; and it was not until it was ascertained that several leaders of the opposition party, among others General Bravo, had secretly and mysteriously left the capital, that the probable danger was realised. The President immediately issued his proclamation, calling on

all good citizens to support him in the performance of his constitutional duties, and despatched a large force under the command of General Guerrero, to suppress the revolt. Bravo, after leaving Mexico, wandered about almost unattended, and unable to form a junction with the other conspirators, which he at last, and with difficulty, effected. Guerrero marched immediately on Tulancingo, a small town not far distant, whither the rebels had removed their head-quarters, and compelled them to surrender without a blow. To the decision and promptitude of the Secretary of War, Gomez Pedraza, aid of the leader of the government troops, may be entirely referred the sudden and easy suppression of this ill-concerted revolutionary movement; for had enough time been allowed to the conspirators to rally their friends and political adherents around their standard, in the excited state of the public mind, a different result might have occurred. As it was, numerous individuals of rank and personal as well as official distinction, were on their way to join the Vice-President, and it is impossible to say how far the conspiracy may have extended. Among these was General Barragan, the Governor of the State of Vera Cruz, who was arrested and sent with General Bravo to Mexico for trial. The result of that trial, conducted as such procedures in Mexico usually were, without publicity, was the conviction of Bravo and his associates, and their permanent exile from the Republic.

We have not time to inquire what were the real objects which General Bravo and his followers proposed to attain, nor what degree of credit to give either to his assertions of perfect purity of motive, or to the dark accusations of his political opponents. The plan of Montaño contained a specification of various supposed grievances, accompanied with an imperative demand on the executive for redress; it required the suppression of secret societies, a change of ministers, the delivery of passports to Mr. Poinsett, our minister at Mexico, who had become obnoxious to the party, and concluded with a general requisition that the provisions of the Constitution and laws should be religiously enforced. Whether there were ulterior objects of a more improper character, as the Yorkino party have vehemently declared, is a question which, for all the purposes of condemnation, it is wholly unnecessary to examine. It is little consistent with General Bravo's known sentiments and previous conduct, to suppose, that he acted for a moment



in concert with any who meditated a restoration of the authority of the Bourbons, and we freely acquit him of so much of the charge which his enemies have preferred; but no terms of censure are too strong for the man who, to gratify the impulse of passion or to redress imaginary or real injuries, can expose his country to the risk of civil war, and endanger the existence of republicanism itself, by giving a precedent to future malcontents, and some shade of authority to the gloomy prophecies of monarchical calculators. There were in Mexico, doubtless, injuries, personal and political, which needed redress; there had been, in the case of the old Spaniards, a flagrant violation of the fundamental laws of the land, which it is reasonable to suppose, had been severely felt by those who, from principle and feeling, were strongly attached to that portion of their fellow-citizens; but the course the patriot, however indignant, would have pursued, is widely different from that which the rebels of Otumba chose to follow. General Bravo's personal influence was great, and by his example all his adherents would have been guided. Had he used that influence to assuage, not exasperate the animosity which existed, and to induce his dependents to await the certain and just operation of public opinion, he might before this time have enjoyed the consolation of saving the country, for whose liberties he had shed his blood, from the agony and convulsion it has since experienced. In thus strongly condemning the conduct of these misguided men, we must be understood as grounding our censure on general principles, and not on the vague and intemperate accusations of political zealots of any side. The righteous indignation of the Yorkino leaders at General Bravo's conduct, presents, as we shall have occasion to see, a strong contrast with their revolutionary movements in the following year.

How far the Escoces party generally were involved, in the insurrection of Otumba, can be of course only matter of speculation. It is, however, a fair inference, that, approving as they unquestionably did, of the various objects specified in Montaña's manifesto, they would not have complained of the mode adopted, had it been successful. Its defeat was a serious, if not a fatal blow to their interest. It not only gave a color to the accusations of their adversaries, and in that way a support to their cause, but by withdrawing so strong a competitor for the chief magistracy at the ensuing election, ensured the elevation of the popular aspirant. General Vicente Guerrero had long

been before the people as a candidate for the Presidency in 1828, and had been chosen as the leader of the Yorkino party. For the two years immediately antecedent to the election, the probability of his success had been gradually becoming stronger; and when, by the exile of Bravo, his only formidable competitor was withdrawn, the probability was matured into certainty. The primary elections, which took place in the summer of 1828, for the members of the Legislatures, which were to choose the President, were all, with few exceptions, as was supposed, favorable to the Yorkino interests. In the interval, however, between the suppression of Montañón's revolt and the election, a political coalition had been formed, which, but for a resort to arms, would have utterly disappointed the wishes and expectations of the ultra-democratic leaders. The Escoces party had united with the seceders from the Yorkino party, who, under the name of moderate or middle men, had acquired considerable influence. The candidate selected by this combination was Gomez Pedraza, then Secretary of War. He had originally been an active member of the Yorkino party, and had acquired, in the administration of his office, great credit and influence by his energy and ability. On the occasion of the late rebellion, he had been mainly instrumental in producing the result which ensued, and was on that account supposed to be the last man to whom the Escoces party were likely to adhere. It is certain, that the support which they gave him was wholly unexpected. The election took place in September, 1828, when, to the utter mortification and discomfiture of the Yorkino leaders, it appeared that their candidate, on whose elevation they calculated with so much confidence, as the only means of sustaining their favorite policy, was in a minority. Ten States had voted for Pedraza, and eight for Guerrero. It may be easily conceived, that such a result produced the utmost consternation in the ranks of the ultra party, and that violent, we wish we could believe honest indignation, usurped the place of confidence and exultation. To them it was immaterial whether a decided opponent or a moderate or doubtful friend were elected, since their hopes and calculations depended wholly on the elevation of one on whose sympathies they could securely rely. From Pedraza, elected as he had been by their enemies, and tainted, as they supposed him to be, with moderate principles, they could hope for little. The alternatives were left to them of submitting quietly to the new dominion,

as good citizens and patriots, and of trusting to the result of a constitutional inquiry into the alleged illegality of the election by the State Legislatures, or of having recourse to a forcible redress in an appeal to arms.

At this period of popular excitement, a new character appeared on the stage. This was General Antonio Lopez de Santa Ana, then Lieutenant-Governor of the State of Vera Cruz. This young soldier, after the fall of Iturbide, to which he had greatly contributed, had been living in retirement on his *hacienda*, near Jalapa, and by remaining for several years in perfect seclusion, had ceased to be an object of public interest. By all who knew his signal military abilities and talent for political intrigue, he was regarded as one of the most dangerous of the citizens of the Republic. He was a Centralist in 1824, and had always been charged, how justly we do not pretend to say, with hostility to the administration of the first President. The storm which now seemed on the eve of bursting on the Mexicans, afforded to this discontented chieftain a strong inducement to appear anew, and a fair opportunity at once to conciliate his political enemies, and to place himself in an imposing and popular attitude before the nation. Scarcely had the news of Pedraza's election circulated through the country, when it was ascertained that Santa Ana had raised his flag in Vera Cruz, and before the government could realise that a new civil war had broken out, with characteristic activity he had invested and seized the castle of Perote. On his banner were inscribed the fascinating mottos of redress of popular grievances, and the utter extirpation of the *Gachupines*. President Victoria immediately issued his proclamation, denouncing the attempt of Santa Ana as treasonable, and imploring the assistance of the country in support of the lawful authority of the Republic. The energetic and decisive language of Victoria in his proclamation deserves to be quoted, especially as we shall have occasion to contrast it with the temporizing and submissive tone he was obliged to use in the course of a few months to the armed rebels of the capital. After referring to the pretended patriotic objects of Santa Ana, he says—

‘It is no new artifice to allege specious motives to excuse ambitious designs, and although the Mexicans have been taught by experience to close their ears against such suggestions, it is my duty to repeat to them unceasingly, that he profanes the name of



the country, who invokes it in order to substitute his private will for the legitimate power of the Constitution and the laws. No more execrable offence can be committed by a citizen. It is a crime which degrades freemen, who, when by association they constitute a Republic, disclaim any other mode of expressing their opinions but through the medium of the constituted authorities. It is an abuse, which unless repelled with vigor and energy, must lead to the total dissolution of society.

For these reasons, the Government in conjunction with the august Congress of the Union, is taking the most decisive measures to cut short at once, the evils with which the Republic is threatened, to re-establish confidence and restore peace.

And since the indignation evinced by the people on witnessing the revolutionary movements that occurred at the beginning of the year, was sufficient to dissipate them like smoke, I once more call on you, my fellow-citizens, to lend your assistance to a Government, which has no other object but the national prosperity, and which throws itself with confidence upon the Constitution of the Republic,—the holy principles which we have proclaimed—the firmness and wisdom of the General Congress and of the Legislatures of the States and the inextinguishable attachment professed by the Mexicans to their liberties and laws. If anarchy again menace us, let us baffle its impotent efforts. Woe to the wretch who dares profane with impious hand the pages of that Constitution, which is the idol of our hearts !'

To this animated appeal of the executive, the nation responded with apparent cordiality, and the new insurrection seemed on the point of sharing the fate of its predecessor, the Otumba plot. Santa Ana, after defending the fortress of Perote against the government troops, was obliged to abandon it and to seek refuge in the Province of Oaxaca, where in the inaccessible recesses of the mountains, and amid a population devoted to his interests, he hoped to escape until the outlawry, which had been declared, should be revoked. The denunciations of this abortive attempt at revolution were not confined to the Federal executive ; the press reviled its abettors as parricides and incendiaries, the State Legislatures sent addresses to the President, promising their aid in suppressing the rising spirit of anarchy, and could we form any opinion of the actual state of public feeling from these manifestations, we should say, that by all parties, revolutionary attempts of any kind were regarded with equal aversion. Yet amid this loud expression of patriotic fervor, seditious and violent measures were secretly

planning, and the seeds of a fatal and terrible revolution were actually vegetating.

On the 6th of October, 1828, about a month after Santa Ana first took the field, Don Lorenzo de Zavala, Governor of the State of Mexico, and the most active among the Yorkino leaders, was arrested at his house in San Augustin, on a charge of being implicated with the insurgents, and actually in correspondence with them. This charge was specifically made in the Senate, and after an animated debate of several days, it was determined that there was ground of accusation and reasonable suspicion. It was entirely within the constitutional capacity of Congress, or either branch of it, to order the arrest, which was made by a warrant from the Senate. Whether or not Zavala was guilty of the charge thus solemnly preferred against him, it is difficult with our inadequate information to conjecture. In a manifesto since published by him he has vehemently asserted his innocence, and complained most feelingly of the proscriptive measures of which he was the victim. Beyond this assertion and these complaints, he has offered no exculpation, and against them his accusers have produced evidence, which if uncontradicted, is conclusive of his guilt, or at least a justification of the proceedings instituted against him. To the world one circumstance will suffice to justify suspicion, if not conviction. Unwilling to stand the judicial inquiry, with which he was threatened, a short time after his arrest, Zavala found means to escape from the city of Mexico, and, accompanied by but a single friend, concealed himself from pursuit. Had he been innocent, he would have sought, not shunned inquiry, and would have appealed with honest confidence to the bar of public opinion for complete absolution. It is idle to pretend that he was afraid to trust himself in the hands of vindictive enemies, and that on that account, flight affords no fair presumption of guilt. The government party was not strong enough (and no one knew their weakness better than Zavala,) to sacrifice an innocent and popular man, to gratify personal and political hostility. His friends were too numerous and influential to submit to such an outrage. With this damnatory circumstance in the case, the friends of Zavala must produce less questionable evidence than they have offered, to relieve him from reasonable suspicion, or to fix on his accusers the imputations which have been made against them.

In the interval between Zavala's flight and the end of the

following month, (November) the public mind, particularly in the capital, was agitated by vague and undefined apprehension of danger; but whence it was to proceed, and in what form to come, no one could tell. The government party, and the friends of the President-elect, were conscious that they were unprepared to control any formidable movement among the people, and could not calculate what time would be allowed to gain the strength they needed. The populace of the city composed, as it is, of the most heterogeneous ingredients, was agitated by various feelings; the desire of rapine in civil tumult operating on the licentious and necessitous, and the fear of personal danger and pecuniary loss agitating the orderly and wealthy. Among the foreign merchants, a strong feeling of apprehension existed, and they could not view the lowering elements of war and confusion but with genuine alarm. The events of the 30th day of November proved that these hopes and fears were not wholly groundless. On the night of that day, a detachment of the national militia, headed by an officer named Cadena, violently took possession of the artillery barracks on the outskirts of the city, known by the name of the *Acordada*, and announced their determination to annul the election of Pedraza, and compel the Government to enforce rigidly the laws against the Spaniards. The flag of rebellion was soon surrounded by all the discontented caballeros of the capital, at the head of whom were Generals Guerrero and Lobato, and the fugitive Zavala, the last of whom had been for several days secreted in the neighborhood. A strong force, composed of several regiments of regulars, a portion of the organized militia, and the great body of the lower people, assembled around these leaders, and an imperious requisition to the effect stated, was sent to the executive. The President and his counsellors had but a small force to oppose to the rebels. The regiment of Toluca, amounting to about six hundred men, and a small detachment of troops which had just arrived, under the command of General Filisola, were all that could be depended on. Yet with this inadequate support, the Cabinet determined on resistance. To whom the first aggression is to be attributed, is not ascertained. Each party accuses the other of being the assailant. It is not difficult, however, to point out the individuals on whom the odium of the frightful scenes which ensued ought to fall. It belongs to those desperate partisans who raised their hands against the laws and Constitution of their



country, the first occupiers of the Acordada. In the course of a few hours after it was ascertained that the constituted authorities were determined to sustain their legitimate rights, and were not disposed to submit to the pretensions of armed rebels, the city of Mexico was converted into a field of battle and a theatre of carnage. It has been the boast of the Mexican eulogists, that never, during the revolution, were the large cities of the Republic profaned, nor the noble institutions which they contained endangered by the immediate presence of hostilities and violence. It was reserved for republican Mexico to exhibit the revolting spectacle of civil war in its capital, and before the face of its first magistrate. For three days a violent and sanguinary combat continued in the principal streets of the city, the palace and the Acordada being the respective head-quarters of the Government forces and the rebels. Several officers of distinction on both sides were killed. The success of these combats was various, and with so much spirit and ability was the defence of the palace conducted, that but for the irresolution and singular unwillingness to rely on his military counsellor, displayed by the President, it is more than probable that this outrage would have met with just retribution. On the 4th day of December, the first compromise was suggested, but failed in consequence of the reluctance of the rebels to accede to any thing but unconditional compliance with their demands. General Guerrero, who, during the siege, had remained in a very unequivocal attitude at a neighboring village, arrived at this time in the city with a reinforcement for his friends, and it soon became evident that the crisis was at hand. On the same day, Pedraza left the city with a small company of friends, the Congress dissolved itself, and the President, forgetting the dignity of his station, and his personal and official elevation, repaired to the quarters of the enemy, and agreed to a capitulation. The measure of Mexican dishonor was not yet full. Had the scenes of violence and turmoil closed with the virtual extirpation of the Government, and the civil war been limited in its pernicious influence to the overthrow of Constitutional authority, deep as would have been the disgrace, there might not have been found wanting those who would have excused what had occurred. But what succeeded the capitulation of the 4th day of December, 1828, no one, however bigoted and determined in Yorkino propensities, will, we hope, excuse. A portion of those who had so readily clustered around Mr. Zavala and his patriotic jun-  
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had other than political ends to attain. Their appetites were far too craving to be content with such gratification. The *leperos*, amounting in number to several thousand, and many of the militia, immediately on the cessation of hostilities, demanded, as their reward, the pillage of the capital; and their leaders, it would seem, could devise no pretext for denial. The active men in the revolt, must, on this occasion, have found an excuse for their conduct in the complying disposition which had been manifested toward them. For two days, Mexico was the victim of uncontrolled and licentious pillage. The *parian*, or large bazaar, where the principal retail stock of the city was deposited, and where there was at that time property to the amount of many millions of dollars, was the principal object of attack. There, the Spanish merchants had generally resided, and there the Mexican populace could find at once the richest and most welcome plunder. Where the stores could not be opened by less violent means, fire-arms were applied, and the most wanton destruction of property ensued. Valuable goods of all kinds, cloths, plate, jewelry, were scattered about the city, and sold by the plunderers of the *parian* for almost nothing. The depredation was not directed entirely against the warehouses of the Spanish merchants; the property of Mexicans and foreigners alike was sacrificed. It was not until the third day after the pillage commenced, that the victorious party found courage to check the tumult, and even then order seemed rather to be the result of satiety than constraint.

The political change which followed this disgraceful scene was complete. Pedraza, unable to resist the torrent which was setting against him, had left the city during the affray, and soon after, probably finding but little hope of ultimate success in a contest with his triumphant adversaries, demanded his passports, and has since resided in England in voluntary exile. Victoria, thrown by circumstances into the hands of the dominant faction, was compelled to appoint new Cabinet ministers. The election which had recently been made, was declared null and void; and Congress, which had reassembled, pronounced Guerrero to be duly chosen President, and General Anastasio Bustamante, a distinguished officer and active Yorkino leader, Vice-President. On the installation of the new officers further changes were made, Zavala was fully acquitted of all the charges which had been preferred against him, and as a reward for his important

services was made Secretary of the Treasury, and Santa Ana, the execrated outlaw, in consideration of his merits, was promoted to the War Department.

The revolution which was thus effected, has not wanted apologists even in this country. In the violation of popular rights, which is supposed to have attended the election of Pedraza, it has been said there was a justification of all the outrages that were committed; and it has been specified as one of those extreme cases in which the people were at liberty to take redress into their own hands. We cannot view it in this light. By every man who is not tainted with the worst and most dangerous radicalism, it cannot but be regarded as a pernicious violation of well settled law, and an unjustifiable attempt to overthrow a government, which had nothing to excuse it but success. In forming this estimate of the conduct of the leaders of the *Acordada* insurrection, we have been guided solely by the statements of Mr. Zavala, in the publication, whose title we have prefixed to this article; and in the emphatic condemnation of it which, as friends of republican institutions, we feel it our duty to pronounce, we have adopted, perhaps erroneously, the narrative made by this Coryphæus of the plan. It cannot, at least, be said, that we have resorted to improper sources of information. In the manifesto, to which we have referred, we have no hesitation in saying there is the avowal of the most shameless political profligacy, and the expression of sentiments which, we hope, it would be injustice to his friends to suppose they entertained. Were such opinions to be acted on with us, we might, on the occurrence of the first strong political excitement, be called on in our own tranquil times, to witness scenes of civil war and bloodshed, and to behold our own republic sunk to the low level to which our neighbors have been unhappily brought. We earnestly deprecate all approval of such sentiments, and all apology for such conduct. Let us, in the true spirit of justice, view all attempts at the subversion of constituted authority with equal detestation, and not fall into the irrational inconsistency of Mexican politicians, and in one moment stamp with reprobation Bravo's abortive treason, and celebrate with praise or extenuate with sophistry the triumphant rebellion we have just described. The same principle regulates both, and it is to that principle our condemnation refers.

By the complete triumph of the Yorkino party, and the



organization of a popular executive administration, it was believed, the permanent happiness and tranquillity of the Republic were secured. On the vigor of General Guerrero, there was secure reliance, and sanguine hopes were entertained that the community, once relieved from the incubus of a monarchical faction, would soon be restored to political health. But the seeds of disease were deeply planted, and the specific of Yorkino ascendancy was found to be ineffectual. The finances, which, it was supposed, were to be restored to order by the magic influence of the new minister, were inextricably entangled. Commerce was rapidly declining, and with it the revenue diminished. The army, strengthened in influence by its agency in the late revolution, had too long indulged in license to be subordinate now; and had not circumstances occurred from abroad to occupy the attention and require the energies of the military, it is more than probable that the fatal weakness of the new administration would sooner have been developed.

The arrival, however, of the Spanish invading army under Barradas at Tampico, in the summer of 1829, opened a new channel for public feeling. Our limits will not permit us to dwell upon the merits and details of this convulsive effort of the Spanish Government, to effect the reconquest of Mexico. We think too highly of the Spanish nation, to say that the determined obstinacy its rulers have manifested in relation to the former colonies is characteristic; we cannot but believe that the idea of the possibility of reconquest, exists only in the dis-tempered brain of the monarch and his immediate counsellors, and that no one, who has paid any attention to the condition of the new republics, can suppose that any plan, however artfully and powerfully framed, can have more than temporary success. The attempt of the invading army on the coast of Mexico during the last summer, was a disgrace to the age. Those who advised, and those who actually assisted, are equally worthy of contempt and abhorrence. To land on the shores of Mexico at a season of the year when pestilence taints every breeze, with a feeble force, amounting in all to little more than four thousand men; to attempt the conquest of a country, through which, on account of physical impediments, it is difficult to march a body of troops even when unopposed; to take possession of an unfortified town which it was impossible to defend, and from which, no intercourse could be maintained with the shipping; to alienate the feelings of the people by acts of cruel and unnecessary oppres-

sion; to surrender without a struggle, and to abandon fellow soldiers to captivity and death, were acts alike worthy the commander of the expedition against Mexico, and those by whose orders he acted. On Mexican politics the Spanish invasion had a decided, though temporary influence, by diverting the attention of the nation from subjects of domestic grievance, and by giving the new administration the distinction of a military triumph. The proclamations of Guerrero, on the arrival of the Spaniards, contained the expression of the most fervent patriotism, and the success of his minister and favorite Santa Ana was hailed by the people generally with the utmost enthusiasm. But, with all the outward appearance of concord and unanimity, there was still a mortal rottenness in the political body, which was soon to produce its decay and ruin. The reaction of feeling, particularly among the military, was strong on the ultimate defeat and expulsion of the invaders, and we have to record another revolution less violent than any of its precursors, and far more unaccountable.

If the elevation of Guerrero to the Chief Magistracy, was, as has been asserted, a popular measure, his fall, after continuing in office not quite a year, evinces the slight confidence to be reposed in Mexican popularity. On the arrival of the Spanish invasion, Congress, in the exercise of their unlimited prerogative, had invested the President with extraordinary powers, to be retained until the danger should be at an end.

This dictatorship, the new President evinced a strange and decided unwillingness to resign, and his reluctance was quickly seized by his political opponents as a pretext for resorting to violence and compulsion. Various insurrectionary movements of slight importance occurred in several of the States, but no serious apprehensions were felt by those in power, until the fourth of December, 1829, the anniversary of the Yorkino revolution, when Bustamente, the Vice-President of the Republic, placed himself at the head of the army of reserve, stationed in the State of Vera Cruz, issued a proclamation denouncing the abuses and usurpations of the Executive, and commenced his march on the capital to enforce the threatened reform. Immediately on receiving the news of this alarming defection, Guerrero resigned his extraordinary powers, convoked the Congress, and appealed to that body for support. But the symptoms of increasing weakness had begun to manifest themselves, and the victors of the *Acordada* soon had reason to doubt the

continuance of their ill-acquired power. No sooner had the President left the capital with a small body of troops to meet the approaching enemy, than the *grito* of revolt was raised, and by the agency of several active politicians, a complete and bloodless revolution was effected. The troops in the city of Mexico, announced their adherence to Bustamente, and demanded the organization of a provisional government. Guerrero thus placed between two enemies, and suspicious of the fidelity of the few troops who still adhered to him, pursued the only safe cause which was left, by abdicating the Presidency, and retiring to his estate. His example was immediately followed by Santa Ana, and the other Acordada leaders, and the new government composed of a temporary Executive of two distinguished civilians, Velez and Alaman, and General Quentamar, assumed the administration of affairs until the arrival of the Vice-President, who was chosen by the troops as the temporary successor of Guerrero. In the hands of Bustamente and his party the government has remained ever since.

The process by which this last revolution has been effected, is, we confess, to us wholly inexplicable. The party by which it has been accomplished seems to be composed of individuals of the most contradictory political tenets, and of characters the least fitted for coalition. Federalist and Centralist, Yorkino and Escoces, seem to have forgotten all their differences, and we can discern in the composition of the triumphant party, no distinctive principle, by means of which we can explain the incongruities to which we have referred. To the influence and direct agency of the army can alone be ascribed this anomalous result, and to this source we are compelled to attribute the fall of that party which claimed to be exclusively popular, and of the individuals who had been chosen as their favorites. How long the government of the new rulers is to continue, is a question that no one can pretend to answer. If, as we have suggested, the last revolution is to be ascribed to the discontents of the military, the term for which the new administration is to enjoy their trust must necessarily be short, as the source of military discontent, the difficulty of making regular payments to the troops, has not been removed. Whilst the army exists in its present organization, and its influence continues to be so great, no safe political calculation can be made, as the result of any commotion must be regulated by its participation, and that leader must succeed who can control it. In a country so



unsettled there is of course little prospect of a diminution of this military influence. Had the first Executive of the Republic sooner realised the necessity of a retrenchment of the national expenses, the military force would most naturally have been the first object of economical reform, and even a rapid reduction of the army might have been effected before civil disorder occurred. Unfortunately, however, the community was infected with a military mania; military distinction was the object of universal ambition; and so powerful was the opposition thus generated to any attempt to curtail the army, that the administration found it expedient, and thought it necessary to remain satisfied with disbanding so much of the local militia as had been called into service. If the reduction of the army were one of the conditions, on which Pedraza secured the support of the moderate party in 1828, and if there be reason to believe that this pledge would have been redeemed, the true friends of Mexico will have additional reason to deplore the violence of which he was the victim. In Mexico, the character of the army is very peculiar. Its composition strongly resembles that of the whole community, being formed of various classes, castes and colors. They are as savage in appearance as in disposition. Long experience in predatory and irregular warfare during the revolution precluded the existence of any portion of the chivalrous spirit, which forms the distinction of military men in modern times. In the short interval of tranquillity which occurred after the surrender of the castle of San Juan de Ulloa, in 1825, the troops, both regulars and active militia, were quartered in the different garrisons and large cities, and indulged in every species of license and disorder. The most dignified occupation of the soldiery was police duty. Notwithstanding the ease of such employment, desertions were frequent, and so late as 1827 impressments to fill the vacancies thus created were constantly resorted to in the capital. On the first breaking out of the civil disorders, a new sphere of licentious action was opened to the soldiery, and each revolution has witnessed their active interference. In 1828 the regular army alone amounted to thirty thousand men, and it is not probable that any diminution has taken place since. Whenever the time arrives when no proper military occupation can be devised for this host, they will be turned loose to prey upon the community, and to defy the control of all authority. The hope of effecting a disbandment of the army, or of any considerable portion of

it, is now, we fear, almost desperate, and while it exists, and is able, as it must be, to exercise an influence in public affairs, we confess we can discern little chance of the restoration of permanent tranquillity, and the renewal of public confidence.

Such is the melancholy narrative of recent events in Mexico, and such the gloomy prospect of the future. To the enthusiasts in the cause of Spanish America, and to the rational friend of republican systems, the history of Mexican affairs during the two last years must occasion equal pain. If such enthusiasm imply approbation of any excess, which is called popular and democratic, or if it involve any sympathy with radical and dangerous politicians, we do not pretend to be among the former. To the latter class we are proud to assert our adherence. But while we cordially lament the degradation of our fellow-republic, we are not without a source of consolation even in the severity of our disappointment, and while we contemplate with regret the national humiliation of all the Spanish American States, the question will obtrude itself, what reason was there to anticipate a different result? Ages of unmitigated despotism had rolled over the colonies of Spain, in the course of which no means of education and no facilities for intellectual culture had been afforded. The prisoner, who from infancy has been shut up in a dungeon, is not more effectually secluded from the light of day, than was the great mass of the colonial population from the moral and intellectual light, which the rest of mankind enjoyed. They held no communication with European nations, they were visited by no travellers, they were debarred from all participation in foreign commerce, political experience they had not, and abstract political knowledge it was impossible for them to obtain. Suddenly the gloomy fabric of Spanish despotism was shaken to its foundation, and the enthralled population was in a moment freed from the shackles, which had bound it to the soil. To expect that in the short space of twenty years, beyond which time the actual revolutionary contest continued in no part of Spanish America, practical knowledge should be acquired, and a capacity for self-government created is more than the most sanguine would pretend. Bigotry, slavery, ignorance, and seclusion, require allowances, and now that we have fully realised their influence, we are ready to make them, and are most willing to ascribe to the appropriate causes all the melancholy results which we have recorded. A long period must elapse

before the benefits of untrammelled intelligence can be felt; and the severe discipline of national misfortune and individual suffering must be endured, before we can venture to pronounce the inaptitude of our fellow-republicans for the noble institutions they have endeavored to establish. Prejudice must be eradicated, ancient habit neutralised, public opinion purified by rational religious restraint, and delicate moral sensibility must be made to operate. The great truth must be acknowledged, that public and private integrity are identical, and the fatal error must be corrected into which the apologists of Mexican revolutions always fall, that the man, whose private life is stained by crime, or disfigured by licentious practices, can be a safe public agent, or a worthy executor of public trusts.

The truth cannot be disguised that in Mexico this salutary public opinion is not felt, and a high tone of moral feeling is not discernible. Our remark is, of course, a general one, liable to all the exceptions which each grateful traveller may make in favor of the instances of virtue and domestic and social worth that have fallen within his notice. As a general observation we deem it perfectly and easily sustainable; and until we can be made to believe that a moral improvement has been wrought, we must be excused from indulging in flattering anticipations of political tranquillity and happiness. In the recent commotions little trace of such a change is discernible, and in the school of civil discord there is but slight inducement to the practice of public or domestic virtue.

We have thus endeavored freely and candidly to state the opinions which a deliberate examination of the whole subject of Mexican politics has induced us to form. We believe that there is a radical defect in the constitution of society in that distracted country, to which may be attributed all that has occurred; and we apprehend the repetition of such disasters so long as the want of sound public opinion, acting directly on the community, exists. To supply that deficiency, we rely on the influence of time and general education, on the gradual eradication of prejudice, and free intercourse with the rest of the world. When the legislators and statesmen of the new Republic become qualified so to administer the trust confided to them, we may look to the permanent establishment of political institutions, and to a harmonious co-operation with the other nations of the world, for the promotion of the social happiness of mankind. Lord Bacon has said, that the four pillars of



government are religion, justice, counsel, and treasure; and that when any of them are shaken, 'men need to pray for fair weather.' In the same warning spirit, in which the English philosopher uttered this sentiment, we may say, that if the individuals now at the head of the government have strength to maintain themselves in the administration of affairs, the policy of conciliation and compromise in regard to political opponents, of vigorous retrenchment of the national expenditure, and of economical disbursement of the finances, is the only course they can pursue with safety. If, on the contrary, they fall into the error of their predecessors, and adopt a vindictive and proscriptive system, their early downfall, and a revival of civil war in its most hideous form, may be expected. Should such be the result, so great will be the exasperation on all sides, that it is impossible to realise the horrors which will ensue. Revenge on one side, and despair on the other, will induce the most fearful sacrifices. Rumors of the immediate approach of such confusion have already reached this country, and unhappily there is little reason to withhold credit from them. We regard the situation of Mexico with deep solicitude, and shall hail with sincere delight the hour when, emerging from the gloomy cloud, in which she now is, and has long been enveloped, she can assume that station in the family of nations, to which her real importance entitles her. Prejudice and error will, we trust, in time be dissipated. The steady light of refined intelligence will be shed over this portion of mankind, and the free institutions of our neighbor, like the bright summits of her own snowy mountains shining through a pure atmosphere, must be objects of genuine interest and admiration. When that day arrives, we may repose some confidence in republican sympathies.

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ART. VII.—*Report of the Committee of the House of Representatives of the United States on Post-Offices and Post-Roads, to whom were referred the Memorials for and against prohibiting the Transportation of the Mails and the Distribution of Letters on Sunday.*

*Counter Report of the Minority of the same Committee.*

The laws of the United States which regulate the operations of the Post-Office Department, although they contain no specific

provision on the subject, have been supposed by the executive officers of the Government to authorise the transportation of the mail, and the distribution of letters on Sunday. Whether this construction be conformable to the intentions of the Legislature, or to the spirit, which has prevailed in the construction of the laws, which regulate the operations of all the other departments of the Government, may well be doubted. The practice of the Post-Office certainly forms an exception to that of all the other branches of the administration, whether of the General or State Governments, in all their ramifications, as well to that of the citizens at large, both in their individual and corporate capacities. The sittings of Congress and of all the State Legislatures are regularly suspended on Sunday. The courts of justice, the custom-houses, the banks, the land-offices, the compting-rooms, offices, warehouses, and shops of private individuals, are all closed on that day. The Post-Office alone continues its usual labors with unremitted activity, and with but little variation in its modes of proceeding. As the laws which regulate the operations of all the other departments, although equally silent on the subject, have been all construed to intend a discontinuance of the transaction of business on Sunday, it would perhaps have been more natural to put a similar construction on the Post-Office laws. For some reason or other—probably by the effect of mere accident—a different system has prevailed, and the practice of this branch of the public service has hitherto formed, as we have just remarked, an exception to the rule observed in all the rest.

The singularity of this circumstance, to whatever cause it may have been owing, has for some time past attracted the attention of many of the citizens in all parts of the country, and numerous memorials have been annually transmitted to Congress, setting forth the supposed inconveniences of the present state of things, and requesting such a modification of the existing laws, as would effect a change. Other memorials have in turn been transmitted in favor of perseverance in the existing system. There is no appearance of any improper or dangerous motive for these proceedings on either side ; nor have those who have taken part in them been arrayed on one side or the other according to any sectarian divisions. The several religious sects, which, from their agreement in certain fundamental points of belief, are popularly denominated *orthodox*, are among those, which are apparently most desirous of a change in the existing practice ;

while some other sects of considerable influence in particular parts of the country, and which hold a different opinion upon the points alluded to, have appeared to agree with their orthodox brethren upon this. It is understood that one of the petitions for a change in the existing practice was drawn up and headed by a justly respected Unitarian clergyman of this city, and extensively signed by individuals of the same persuasion. As the memorials in favor of a change proceed from citizens of all the different religious sects, it is probable, although we have not so direct a knowledge of the fact, that the same is the case with those who pray for the maintenance of the existing system. Both parties are, no doubt, equally honest in their belief of the expediency of the courses which they respectively recommend. The memorials on the subject, transmitted to the last and present Congress, were referred to committees which reported in both houses against a change. The petitioners are, however, apparently not discouraged, and will probably continue their efforts at the future sessions of Congress. The question, like every other connected with religious belief and practice, naturally excites a strong interest throughout the community; and we have thought that a few remarks upon it might not be uninteresting to some of our readers. The report, which forms the immediate subject of this article, is attributed to Colonel Johnson of Kentucky, who acted as chairman of the committee, and who had previously, when acting in the same capacity in the Senate, made a report on the same subject to that body, corresponding very nearly in substance with this. The counter-report, or protest, of the minority is attributed to Mr. Macreary.

Whenever any change is proposed in the existing laws, or the practice under them, it rests, as a general rule, with the party or person recommending it, to prove its necessity or expediency; and on this principle it would belong to the petitioners against the present system to show that it ought to be abolished. In this particular case, however, it strikes us that the general presumption against innovation, and in favor of existing laws and practices, considered as such, is rebutted by the fact to which we have already adverted—that the practice in the Post-Office Department is different from that which prevails in all the others. If the people, acting in their corporate capacity through their different agents, consider it a religious duty to suspend all the other operations of Government on Sunday, a presumption arises, that those of the Post-Office should also be suspended



for the same reason. The presumption being then in favor of a change, the burden of proof rests with those who support the existing system; and it belongs to them to show why the practice in the Post-Office Department ought to form an exception to that which prevails in all the others, and why the same religious considerations, which induce the people to suspend all their other political and private labors on Sunday, should not induce them to discontinue the transportation of the mail and the distribution of letters.

The committee, though apparently actuated by good intentions, and a laudable anxiety to maintain the political and civil rights of the citizens, have, we think, been led into error by not advertng sufficiently to the considerations detailed above. So far, indeed, are they from appearing to be aware, that the practice of the Post-Office Department is an exception from the rule observed in all the others, that they evidently consider the petitioners for a change in this practice as endeavoring to make it such. Thus they inquire, in the course of their report, 'Why the petitioners have confined their prayer to the mails—why they have not requested, that the Government be required to suspend all its executive functions on that day—why they have not required that our ships shall not sail—that our armies shall not march—that officers of justice shall not seize the suspected or guard the convicted?' The committee, when they put these questions, had obviously lost sight of the fact, that all the other functions of Government—executive, legislative, and judicial—are in fact suspended on Sunday, excepting in a few particular cases, like those which they enumerate, and which are made exceptions to the general rule on account of the great inconvenience which would result from its observation. If the jailer, for instance, were to suspend the exercise of his duty on Sunday, his prisoners would all escape; so that there is an absolute necessity for his continuing it. If the commander of an army were to suspend the exercise of his functions every seventh day, his adversary might, under certain critical circumstances, obtain such an advantage over him, as would decide the fate of a campaign—perhaps the political situation of the country. Here the inconvenience of observing the rule is so great as to produce a moral necessity of violating it, and so of all the other cases mentioned. The practice of the Post-Office can only be justified, if at all, in the same way, as a case of exception. The report, by not advertng to this circumstance, and by em-

ploying in support of the present system only certain general considerations, which might be applied with equal force in any other branch of the public service, proves either too much or nothing at all. The inconveniences apprehended by the committee from a discontinuance of the existing system, are of a remote and prospective kind, such as the tendency to a union of Church and State, and the inconvenience of diminishing in any way the activity of the business of private life. Now it is quite obvious, that these inconveniences, if there be any danger at all of their occurrence, would be as likely to result from a discontinuance on Sunday of the business of any other department as of that of the Post-Office. If the suspension of the transportation of the mail on that day have a tendency to bring about a union of Church and State—an apprehension which we believe to be wholly groundless—it is clear to us, that a suspension of the sessions of Congress, of the State Legislatures, or of the courts of justice, must have the same tendency in a still greater degree, in proportion to the superior importance of the business which would thus be kept in abeyance. Hence the reasoning of the committee, as we have just remarked, tends, as far as it has any weight, to show that the whole business of the administration ought to proceed with the same activity on Sunday as on any other day of the week. The argument, if it prove any thing, proves a great deal too much; and of course in reality proves nothing.

This defect in the reasoning of the committee is obviously a fatal one, and we are of course authorised, without seeking for any other, to reject their conclusion. It may not, however, be improper, considering the interesting character of the question, to examine a little more particularly the real importance of the objections alleged by them, to the application in the Post-Office Department of the same rule which is observed in all the others. These objections, as we have already seen, by proving too much, prove nothing—but independently of this defect, and supposing that we were willing to admit their validity to the full extent to which they can be applied, it will appear, we think, on examination, that they have in fact little or no real weight for any purpose. They are, if we rightly understand the reasoning of the report, the two following;

1. The tendency of the suspension of the transportation of the mail, and the distribution of letters on Sunday, to effect a union of Church and State.

2. The practical inconvenience which would result from such a measure, in the diminished activity of the ordinary business of life.

The second of these objections is the only one which appears to us to possess much plausibility, but as the former is that on which the committee insist most strongly, and which they evidently regard as the more important of the two, it may be proper to give it a moment's consideration.

On this head it is argued by the committee, that there are various opinions in the community, as to the proper manner of observing the Sabbath ; that each individual has hitherto been left to pursue his own course ; but that the effect of suspending the transportation of the mail on that day, would be to decide the question in favor of those who prefer a particular system, and would therefore come within the spirit of the clause of the constitution, which prohibits any legislative preference of one religious sect over another. It does not appear to have occurred to the committee, when they employed this argument, that the act of Congress regulating the transportation of the mail must necessarily provide either for carrying it or not carrying it on Sunday ; and that if a provision for not carrying it be decisive of the question at issue between the sects in favor of one, a provision for carrying it is of course as decisive in favor of another. This being the case, it is obvious that the existing system involves precisely the same violation of the spirit of the constitution, which, if any, would result from the other.

It is plain to us, however, that there is not in either case, any violation of the spirit of the constitution, as there is confessedly none of the letter. The enactment of a law regulating the transportation of the mail is admitted to be within the power of Congress, and this law must, as we have just remarked, provide either for carrying or not carrying it on Sunday. In adopting one or the other part of the alternative, each member of Congress will naturally be governed by his own views of expediency and duty, excepting so far as he may have the instructions of his constituents. If he would hesitate as a private individual to travel or order his agents to travel on Sunday upon his own business, he will probably in like manner decline, as a representative of the people, to order their agents so to do. If on the other hand, he would feel no scruple on the subject in his private capacity, he would probably feel none in his public one. In either case, it does



not appear to us, that he imposes any trammels upon the consciences or acts of others. Each member of the community retains the same right that he possessed before of travelling or not travelling on Sunday, according to his own peculiar views, and, if these views have not been carried into effect by his political representative, he retains in full force his former right of giving his vote for another at the next election. In all this we can discern no appearance of any thing unconstitutional, either in letter or spirit, or of any thing at variance with the regular routine of ordinary legislation.

It is intimated, indeed, by the committee, that a political representative ought not in any case to be guided in the discharge of his official duty by religious considerations, and the same opinion is still more decidedly expressed in certain newspaper essays on the subject, that have happened to fall under our observation; the writer of which considers the 'being influenced in the exercise of temporal power by religious belief,' as neither more nor less than the union of Church and State, and afterwards declares, that 'it is the sacred duty of a representative, before he gives his vote upon a point any wise connected with religious considerations, to search the inmost recesses of his conscience, and to ascertain that religious belief is not operating in his mind as a motive to that vote.' But, independently of the objection already stated to this argument, as applied to the present case, namely, that a vote in favor of carrying the mail on Sunday is as much given from religious considerations, though of a different kind, as one against it, it is clear to us, that there is some very singular perversion of language, or obliquity of judgment, implied in these remarks, which if taken in their natural and obvious sense, are directly at variance with the plainest suggestions of reason, and the letter and spirit of Scripture. Instead of being bound, as the writer of them supposes, to exclude all religious considerations in giving his vote upon a subject connected with religion, the representative is undoubtedly bound on that, and on every other occasion, whether of a public or private character, to act under the influence of religious considerations. 'Whether we eat or drink, or *whatever we do*,' we are directed in Scripture to '*do all* to the praise and glory of God.' It is expressly enjoined on rulers in particular, to govern *in the fear of the Lord*. It is in fact the peculiar virtue of religion, as a motive of action, that it is applicable on every occasion, and to every part of

conduct. It is one branch of our religious duty to obey the constitution and laws of the land ; and if the constitution prohibit the establishment of a national church, it is the religious duty of a representative, even though he individually prefer an establishment, to vote against any project of the kind, until the prohibition in the constitution be repealed ; but even in voting against an establishment, he is or ought to be as much influenced by religious considerations, as if he voted in favor of it. It is impossible, in short, to conceive a case, either in public or private life, in which it is not the duty of every member of the community to act under the influence of religious motives ; and in proportion as an individual is more completely influenced by such motives to the exclusion of any others, which have their origin in mere expediency, so much the more probable is it that he will avoid error, and render himself acceptable to the Great Judge, to whom he is ultimately to give an account of the deeds done in the body.

The assertion that the union of Church and State consists in being influenced in the exercise of temporal power by religious belief, seems to argue a great looseness of ideas upon the whole subject. The being influenced in the exercise of temporal power by religious belief is a particular state of mind, or, if habitual, a particular trait of character in individuals ;—the union of Church and State is a form of political institutions. To say that one of them is the other is about as correct as it would be to say that courage is a military despotism—temperance a constitutional monarchy—or the love of liberty a republic. If the remark alluded to be merely—as is probable enough—an incorrect mode of expressing the idea that a disposition in individuals to act from religious motives has a tendency to bring about a union of Church and State, the objection is rather more intelligible, though not much better founded than on the other construction. Religious motives are, as we have shewn, the best under which we can possibly act, and tend of course to produce the best possible results. If one of these results be the union of Church and State, it could only be because this union is the best of all possible modes of regulating the relations between religion and government. Hence the committee, in affirming that a disposition in individuals to act from religious motives tends to bring about a union of Church and State, affirm by implication that this union is an excellent institution—which is probably not their intention, and is, at all

events not the opinion of the people of the United States. If a union of Church and State be, as is generally supposed, and as the committee appear to think, a dangerous institution, it is certain that the surest way of steering clear of it, is for the public agents to act in all cases to the best of their ability on the best and purest motives, which are, undoubtedly, the fear of God and the honest intention to do His will. The moment you allow any weight to considerations of mere expediency in opposition to these, you open a door to corruptions of every kind, which are the more likely to gain admittance in proportion as the names they bear are more respectable and plausible.

For ourselves, so far are we from apprehending any practical inconvenience from the influence of religious motives in legislation, that we should consider an extension of this influence as one of the most fortunate things that could possibly happen to the country. The great evil in practical legislation is the influence of corrupt, or low and narrow views. How often does the passage or rejection of an important law depend entirely upon the relative strength of political parties, divided perhaps by considerations wholly foreign to the subject of it! During the last session of Congress we have seen the newspapers of a political party declaring, with great satisfaction, that the question of the right of a member elect to take his seat was decided by a *party vote*. When the motive is not absolutely corrupt, how often is it of a low and narrow cast! A legislator votes in favor of a rail-road because it passes through his own town, or against it because it does not. If he happen to live in a cotton-growing state, he opposes the protecting policy; if in a manufacturing one, he supports it; if he remove from the latter to the former, he leaves his former creed behind him and takes up that of his new residence. The only sure way of rising above the influence of improper motives, whether absolutely vicious, or only narrow, is to give no weight to any considerations but those of duty, or in other words, religious principle. The individual, whether in public or private life, who pursues this course, is sure of doing right as far as he knows what right is; and we are all but too well aware, that our practical errors are much less frequently the result of not knowing what is right than of a disinclination to do it.

We have enlarged rather more upon this objection than its real importance perhaps rendered necessary, which, as we have remarked above, and have since endeavored to show, is



very little. The other, which is founded on the practical inconvenience that would result from suspending the transportation of the mail and the delivery of letters on Sunday, is the only one which appears to us to have any considerable weight. But even this is not, in our opinion, of a very decisive character.

It is, no doubt, true, that the rapidity of the progress of all private business would, to a certain extent, be diminished by the change in question; but it will hardly be pretended that the inconvenience resulting from this diminution, is of such a kind as to make out a case of necessity, which would authorise the community in waiving the observation of the moral and religious rules, of which they acknowledge the obligation in all others. The committee, certainly, have not proved or attempted to prove the reality of any such necessity. They say that if you stop the mail one day in seven, you retard by one seventh the advancement of the country. This reasoning supposes that the mail is the only instrument that is or can be employed for the advancement of civilisation—a supposition which is obviously incorrect. It is, no doubt, one and a very useful instrument for that purpose. The objection more correctly stated would be, that if you stop the mail one day in seven you diminish by one seventh the efficacy of the Post-Office in producing the advantages that naturally result from it. This is true; but it is only an application to a particular branch of labor of the general proposition, that if you suspend the labor of the community one day in seven, you make the labor of the community one seventh part less productive than it otherwise would be. This we know, or at least may admit for argument's sake; but notwithstanding this, there are certain religious and moral considerations, which induce the community as a general rule to suspend all their labors one day in seven. Why should not this rule be applied to the labor employed in carrying the mails as well as to all the rest? As the committee think that it ought not to be, it was their business to tell us why; but it is obviously not sufficient to tell us, that the labor of the Post-Office department would be immediately, in the case supposed, one seventh part less productive in a given time, than it was before. This is a matter of course, and the principle is as true of all the other departments as of the Post-Office. But why deduce from it in regard to that department a conclusion, which you do not deduce from it in regard to any other? Why, in short, make the practice of the Post-Office department an

exception to that of all the others? This, as we have repeatedly said, is the real question, and it is one to which the committee have not attempted to reply.

Although we have admitted, for the sake of the argument, in the above remarks, that the labor of the community, if suspended one day in seven, is for that reason one seventh part less productive, we are far from thinking that such is in fact the case. We believe, on the contrary, that this is one of the instances in which two and two do not make four. Whether we consider labor as intended to produce the immediate result, wealth, or the more remote one, well-being physical and moral, we have no hesitation in saying, that we believe it becomes more instead of less productive by an occasional suspension. We all know that our faculties cannot be kept forever on the stretch. Without the nightly intervention of that 'blessed thing, sleep,' as Coleridge calls it, to suspend our toils and labors, soothe our cares, and recruit our strength, we should all, in a very short time, go mad and die. But the preservation of a sound, healthy, active and cheerful condition of our nature requires, in addition to this, an occasional suspension of labor for longer periods; and it was, doubtless, in the kind view of accommodating his commands to the constitution which he had given us, that the Creator prescribed the observance of a weekly day of rest. The man, who constantly pursues his worldly objects without allowing himself a moment's leisure, gradually acquires, by a sort of moral gravitation, an accelerated and feverish intensity of action, which, if not checked in one way or another, ends in extravagance, bankruptcy and ruin. By wholly diverting his thoughts one day in seven from business, and turning them upon the high and glorious subject of his intellectual and moral relations to God, his fellow-men, and the universe, he cools the fever of his mind; and when he takes up his affairs again on Monday morning, he is surprised to find with how much clearer a judgment he considers the plans and purposes of which he took leave on Saturday. He now perceives errors, that before escaped his attention,—rejects imprudent projects that before presented themselves in tempting colors to his heated fancy—and if his gains at the end of the week be one seventh less, they will probably at the end of the year, be seventy fold more. Instead of being a miserable bankrupt, he will be a thriving, healthy, happy man. We have no hesitation in saying that the fault we have here indicated of a too urgent

pursuit of worldly gain, is a common trait in the character of our countrymen, and that a more exclusive devotion of the Sabbath to repose and religious contemplation would be a most wholesome corrective of the evil. We strain every nerve to the utmost, employ every cent of capital that we own or can borrow, and not content with obtaining an honorable subsistence for ourselves and our families by the regular practice of our respective callings, grasp, with an agonising effort, at any project that holds out the least prospect of extraordinary gain. What follows? A few persons amass immense fortunes, the possession of which has no very favorable effect upon their own characters, or those of their children. The rest—at the first little convulsion in the world of business—are swept—like dead leaves before a November blast—into the gulf of bankruptcy. It would be vain to deny that the general habits of our active men of every class correspond in the main with this description; and it is, in our opinion, equally certain, that a real and *bona-fide* suspension of worldly cares one day in seven would greatly improve—were it only by its negative and sedative effects—the state of mind which leads to these extravagant efforts and their disastrous results. It is, in short, clear to us, that the labor of the community—by being suspended one day in seven—becomes, not less, but on the contrary a great deal more productive of mere wealth, than it otherwise would be.

But this view of the subject, however important, is by no means the most so of those which may be taken of it. The object of all this toil and trouble—these convulsive strainings and desperate enterprises—is after all the acquisition of the means of subsistence—‘meat, clothes, and fire,’—nothing more. But this, though a legitimate object of pursuit in life, is far from being the only one. It belongs entirely to our lower and animal nature. The intellectual and moral principle—the God within the mind—that loftier and nobler portion of our being, by which we hold affinity with the Sublime Spirit that created and informs the universe—this too has its claims; and they are of a far more urgent and momentous character than those of the other. But how can we do them justice if our thoughts are forever absorbed, without the interruption of a day, an hour, a moment, in the routine of business? Our intellectual and moral nature is refined and exalted by study, solitary musing, or instructive conversation on elevated subjects—by the interchange of kind



and charitable feelings—by the contemplation of the goodness of the Creator, as shewn forth in the majesty, harmony, and beauty of his works. If we mean to rise in the scale of being above the tools we work with, or the brute animals that we employ, we must allow ourselves time for these ennobling and delightful pursuits. The merchant must not nail himself forever to his counter like a bad shilling; and the lawyer should remember that there is one Supreme Court in which his precedents will lose their authority, and his special pleas their importance—that there is one case, and that his own, which he must finally argue upon its merits. Let it be enough, that the business of the world is pursued with unremitted activity and perseverance from Monday morning to Saturday night. When Sunday comes, let the weary be at rest—let the laborer of every kind cease from his toil, and go up to the house of God, not to ruminate upon the affairs of the preceding week, or to lay new plans for the coming one—but to yield up his whole soul to the current of lofty contemplations which the scene and the service are fitted to inspire—to feel the ravishing influence of sacred song—to indulge the devout aspirations that lift the humble spirit in holy trances to the footstool of the Almighty. Nor let him think it too hard, if in the mean time his letters remain unread in the Post-Office. They will not grow stale before tomorrow. His communion with God is of much more consequence than his correspondence with his agent or consignee. Whatever the mere man of business may think of it, this is, after all, a matter of high importance. Unless the deepest thinkers have erred in their conclusions from the most mature experience and reflection—unless the strongest feelings within us are all delusion—unless the word of revelation be a lie—it is certain that our mysterious nature is only one of the transitory forms of a permanent existence—that our lot hereafter will be determined forever by the use that we make of our faculties here. ‘As the tree falleth, so it must lie.’ If we voluntarily degrade our minds in this world to the level of the brutes, it is impossible that we can start in the race of eternity with so much advantage as others, who have done their best to strengthen, exalt and purify the intellectual and moral principle that survives the body. These are at once glorious and fearful truths. They are truths which the greatest sages and lawgivers of every age from Moses to Numa, and from Numa to Franklin, have kept in view in their political creations. No state of ancient or

modern times ever obtained any real stability, of which the government did not rest, in one way or another, on the steadfast and immovable rock of Religion. Under our free and happy forms of political constitution, the only way in which this salutary principle can produce its beneficial effects, is by its influence on public opinion; and however much we may regret to differ from the very respectable committee, whose report we have been examining, and the writers who concur with them, we have no hesitation in expressing our conviction that the people of the United States have nothing better, in regard to their political concerns, to hope or wish, than that all their agents should be *influenced in the exercise of temporal power by religious belief*. This would not bring about, as the writer above alluded to supposes, without apparently attaching any very distinct meaning to the terms, a *union of Church and State*; but it would procure us the blessing of Providence—a wise, liberal, efficient, and above all, honest administration of the government in all its branches—a condition of general and constantly progressive prosperity—and to sum up all in one word—peace.

On reviewing the above, we perceive that we have omitted to notice the suggestion thrown out in the Report, that this subject comes properly within the jurisdiction of the State Governments; but we cannot think that the committee would themselves, on further reflection, maintain this doctrine. The regulation of Post-Offices and Post-Roads is plainly attributed by the letter of the constitution to the United States.

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ART. VIII.—*Letters and Journals of Lord Byron. With Notices of his Life.* By THOMAS MOORE. Vol. I.

When Dr. Clarke, the traveller, was entering the waters of Egypt, he saw the corpse of one who had fallen in the battle of the Nile, rise from its grave in the ocean, and move slowly past the vessels of the fleet. It was with somewhat similar misgivings, that we saw the resurrection of Lord Byron from the waves of time, which soon close over the noblest wreck, and leave no trace of the spot where it went down. Unless there were something new to be said in his favor, it seemed needless to bring him again before the public eye. The world

was as well acquainted with his frailties as with his transcendent powers; the sentence of the general voice, which is not often reversed, had been pronounced, though with much hesitation; he was declared entitled to a place among the great; but, though he had the elements of a noble nature, no one, so far as we know, claimed for him a place among the good. We regretted, therefore, to have his name and character brought up again for judgment, unless for the purpose of vindication. Such is not the effect, whatever may have been the design of the volume before us. Mr. Moore, though he loved and honored Byron, has, in thus gratifying the public curiosity, rendered no service to the memory of his friend.

We are disposed to rank high among the better feelings of our nature the one which leads us to spare and respect the dead, and makes us indignant at every attempt to draw their frailties to the light, which cannot plead necessity in its justification. We feel grateful to those who have delighted us, even when they have done so with their enchantments; we are beholden to them for whiling away some of the drearier hours of existence; and when they are gone, where our gratitude or censure can no longer reach them, we feel as if their memory were left in our charge, to be guarded from wanton condemnation. We could see their forms under the dissecting knife at Surgeons' Hall with more patience, than we can see their reputation made the sport and gain of mercenary writers. We know that the *Life of Johnson* is a standing excuse for authors of this description, though we see not why; for Boswell would sooner have cut off his hand, than have wilfully disparaged his 'illustrious friend;' and through all his defects of judgment and style his great subject towers, like Westminster Abbey, whose melancholy grandeur is not destroyed by the meanness of the objects round it. In his work, there is no violation of that sacred law of human feeling, which, like the gentle process of nature, seals up the grave, and covers it with verdure and flowers. But this law has been sadly broken in the case of Byron; a man, who, with all his faults—and we have no disposition to deny them—was never wanting in generosity to his friends. Some of them have preyed on his memory like vultures; from the religious Mr. Dallas, who was dissatisfied with the gift of several rich copy-rights, down to Leigh Hunt, who intimated his independence of the commonplace opinion, which insists on gratitude for golden favors. Others, also, of the



strange companions among whom the chances of his life and the waywardness of his temper threw him, retailed his most unguarded words and actions, subjecting him to a scrutiny which few men's lives and language will bear. But the public feeling, which is not apt to be permanently misled, had settled down into the conviction, that Byron, with all his failings, was to be admired and pitied as well as censured; that he was an unfortunate man of genius, made up originally of strong powers and passions; obliged to pass through the double trial of prosperity and misfortune, both perhaps equally severe; and by these disturbing forces, drawn aside from the orbit, in which, with a happier destiny, he might still have been shining as brilliantly as any great light of the world.

We do not, of course, mean to rank the writer of this work among literary vampires, nor to complain of this publication. In his case, something of this kind was necessary; it was understood that Lord Byron made him the residuary legatee of his infirmities and errors, leaving in his charge a manuscript journal, which, it was said, Mr. Moore thought proper to destroy. Such was the prevailing impression, whatever the facts may have been; and this act, dictated doubtless by the most honorable feelings, was justly thought to bear severely on the character of his noble friend. It gave indulgence and encouragement to the most unfavorable imaginations; it was declaring that the pages on which Byron poured out his thoughts and feelings, were only worthy of the flames. It was expected, that, if this registry was not so thoroughly disgraceful, Mr. Moore would come forward to declare it; he has accordingly done so, and given us parts of this same journal, recovered from its ashes, with various original letters; he has, so far as was possible, made Byron the historian of his own life, giving his own sentiments in his own words; he feels obliged, however, to caution us against being misled by the poet's statements, because, with a strange inverted ambition, he took pleasure in representing himself as worse than he really was. This is no doubt true; but one may doubt whether it will do much to exalt Byron above the level where he chose to stand; this self-misrepresentation would imply some want of reverence for truth, and it would seem as if the moral sentiment must be not a little corrupted when a man glories in his shame. Still, it would be wrong to lay much stress on these avowals, which, wherever they appear, are partly jesting and partly penitential; meant to

bear either aspect, as the case may be : the language of confession is apt to be exaggerated ; jests are not to be weighed like scripture ; and as most men in their confessions meant for the public eye, with the contrition alluded to by Chesterfield, confess themselves guilty of what they consider the cardinal virtues, there are naturally no bounds to their humiliation.

Mr. Moore does not attempt to give any regular examination of Byron's character, aware, perhaps, that the thing was impossible ; for, if by character he meant the decided leaning of the habits and feelings towards good or evil, it would be no more correct to speak of his character, than of the bearing of a vessel drifting on the sea ; or if we mean by character, the general impression received by one who reads his history, it is evident that such an one could gather no single impression. Every change in Byron's life was a new experiment or adventure suggested by the moment's whims ; each new deed contradicted the report of the one that went before it ; like the mercury in the weather-glass, he varied with the changes of the air. Sometimes he rose to a noble height of virtue ; then sunk low in degradation : sometimes he breathed out noble sentiment in inspired language ; then profaned his lips with the dialect of hell : sometimes he practised a hermit's self-denial ; then gave himself up to appetite and passion. The very climate of the country where he happened to be, seemed to spread its influence over him. All his manliness melted away into effeminacy under an Italian sun ; all the strength of his mind and heart seemed to revive among the living shores and mountains of Greece ; and this, while it shows that he had great and active energies within, proves also, that, like others who want principles of action, he needed something external to excite them. In him, these principles, and the unconquerable will, were entirely wanting ; the rough hands of others struck out the fire from his soul. His inconsistencies arising from this cause, are equally perplexing to his enemies and admirers ; each falter in making up their judgment ; the former hesitate in the midst of their sternest condemnation, conscious that all was not evil, and doubtful, whether they are not more just to his vices than his virtues ; while his admirers, in the moments of their warmest enthusiasm, find recollections stealing over their minds which fill them with indignant shame ; they, too, doubt sometimes whether they are not misled by their reverence for Genius, and hardly know whether they feel most sorrow for its perversion or wonder at its power.

His biographer was evidently perplexed with this difficulty, and has therefore left the private character of Byron to be inferred from facts and letters, with here and there some pages of comment and explanation. He does not bring the subject to any full discussion, but praises his friend wherever he can do so with justice, and defends him where his conduct seems to require defending. His remarks are written with more than his usual simplicity; in fact, with very little of the glowing ornament in which his other writings abound; but, notwithstanding this improvement, the work is not likely to be a favorite with either class of readers. The poet's admirers will think that more discretion should have been used in selecting private letters, and that the follies of his youth should, like those of others, be forgotten in the brilliant efforts of his later years; and will wonder why the biographer could not communicate to others the feelings with which, according to his own account, his friend's talents and virtues inspired him. On the other hand, a large class will accuse Mr. Moore, not only of suppressing, but of making rather too light of the poet's misdeeds; of treating as a trifling offence in him, what would have been severely visited upon any other; as in the case of his *brother*, for example (p. 118), they will charge him with making the flower-gardens of poetry a sanctuary for transgressors of moral and social law. Both these faults, inconsistent with each other, as they seem, will be alleged against him. On the whole, the effect of his book will be to lower the character of Byron in the public esteem. No one can charge him with a want of partiality to his subject, and yet, with every disposition to cover the poet's errors, he finds much that he cannot explain away. He readily acknowledges his friend's follies, with a candor for which none of Byron's admirers will thank him; for, in the common estimation, follies bring one into contempt much sooner than vices; men can find something great and commanding in the one, while it is impossible to respect the other.

The literary fate of Byron is a remarkable example of the indulgence shown to men of genius. The world is apt to be rigid enough in its exactions from others, but it offers them a perpetual absolution for all offences, even for their waste of those powers by which it wishes and hopes to be delighted; it receives these spendthrifts of talent with unwearied forgiveness, however far they may have wandered; it permits them, like conquerors,



to trample on all rights and laws ; it finds something beautiful in their very scorn ; nations worship them in the blaze of their fame, and weep with mournful sensibility over their fall. We rejoice to see that the world can transfer its enthusiasm in any degree from military to intellectual greatness, and only desire that it may be careful in selecting its objects of adoration. In the unguarded moments of rapture it may place its honors on unworthy brows, and thus hold out an encouragement to all kinds of perversion. Intellectual men should read their duty as well as triumph in a nation's eyes ; and whenever, in their writings, they pass the limits of decency and moral restraint, instead of doing it with the confidence that great errors will be pardoned to great genius, should feel themselves driven back by a lightning glance of indignation. When the power of the mind is growing so fast, it is of immense importance to make the feeling of literary obligation firm and strong, and to enforce it with an authority which will neither be defied nor resisted ; and this can be done without difficulty, because men of taste, and poets more than others, have their intellectual being in the world's good opinion. The poet, more than all, needs this restraint of general opinion. The historian makes a slow and patient impression on others ; the force of the orator, except in subjects of unusual interest, is felt in a space hardly broader than the thunder-cloud of the storm ; but the works of Byron, like those of Scott, not confined to the bounds of their language, have been read, we have no doubt, by the northern light at Tornea, and by the pine-torch under the Rocky Mountains ; and in all the various regions between made the wayfaring forget their weariness, and the lonely their solitude, bearing enjoyment to a million of hearts at once, as if by supernatural power. No human power can rival that of the great poet of the day, and, should it become wild and lawless, no despotism under which the earth suffers and mourns, is half so fatal to the interests of men.

Perhaps there never was one, to whom the right direction which the world thus has it in its power to give, was more important than to Byron ; for as may appear in what we shall say of him, he was remarkably deficient in self-dependence, except when wrought up with passion ; his irresolute judgment was strongly contrasted with his genius. Powerful, indeed, he was ; he came not at a time when the field of success was open ; perhaps there has not been a period, when a greater

number of bright stars were met in the heavens. Campbell was shining in the pure brilliancy of his stainless fame ; Southey was pouring out his wild and beautiful epics with a happy disregard of party censure ; Wordsworth was pleading, as he believed, for neglected nature, with a gentle and unregarded voice ; Moore was reposing, like an eastern sovereign in his sultry halls ; at this moment, apparently most inauspicious for his rising, did this new and eccentric orb shoot from the horizon to the upper sky, and in every step of his ascension held men breathless with admiration, till his brightness 'was changed into blood.' But he seemed to take a perverse delight in trifling with his own power, and showing that he valued an imagination as splendid as ever was lighted in the soul, no more than a camera lucida or magic lantern ; and the world still deafened him with applause, even when he poured out strains of sensuality in music worthy of an angel's tongue. Nothing would convince men of his dishonor ; they still believed in his integrity, as they insisted on regarding Napoleon as a friend of freedom, long after he had worn the crown. Let it not be thought strange, that we associate these two names ; for great as Napoleon was, Byron was absolute and undisputed sovereign of the heart—a region in which the other had no power. Byron could send to millions the highest enjoyment, with a few rapid touches of his celestial pen ; and while the throne of the oppressor is broken, he still exerts a mastery which grows and widens as the brass and marble decay. They were not wholly unlike in their destinies ; deluded by the reverence of men, each became a suicide of his own welfare ; and, remembering that they are great examples to all future ambition, we regret the less that they perished as they did ; though each might have left a glorious name, the one as the bravest warrior that ever fought the battles of freedom, the other as the greatest poet of his age.

Any observer of human nature may be interested in the fact, that men are always most zealous in their enthusiasm for characters, which are somewhat doubtful, as well as great. The admirers of a man like Washington criticise him with freedom, knowing that he can only gain by discussion ; but the partisans of eminent characters like those I have mentioned, as if conscious that any opening for inquiry would overthrow their favorite passion, meet every suggestion of the kind, with an outcry precisely resembling that with which the worm-eaten govern-

ments of Europe welcome every proposal of reform. This fervor is not so flattering to such men as is generally imagined; it implies that their admirers are far from being persuaded of their real excellence, though they are resolute in maintaining their own opinion. This is illustrated by the passion for Byron. When he first became generally known, which was not till after his first cantos of *Childe Harold* appeared, his name was surrounded with a colored cloud of romantic associations; and perceiving the charm to be derived from the slight mystery then resting on his condition and character, he kept up the allusion by all the means in his power; new portraits of himself in striking attitudes and drapery, were perpetually held before the public eye; and by these means he inspired a deep feeling, not precisely of respect or regard, but of something more tenacious than either; so that now his admirers hold fast their early opinions of him, as a lover clings to his first impressions; determined to maintain them right or wrong, and resenting as a personal affront every attempt to exhibit his character in its true light. This book will give an unpleasant shock to their imaginations; but at the same time, they have seen his character in a glass so darkly—there is so little distinctness in their conceptions of him, that like the spirits in Milton's battle, his existence cannot be endangered by any mortal blow—he is a vision of fancy in their minds—too unsubstantial to be measured; their opinion of him is not a judgment, but a feeling, which neither argument nor evidence can overthrow.

But there are others, who never have thought it necessary to give up their hearts to the great poet of the day—who have neither taken part with Byron nor against him; to them, this book will wear a very different aspect; they will receive it as the deliberate testimony of a friend, of course as partial as truth and justice will allow, and will see with some surprise, that the strongest feelings awakened by it are those of sorrow and shame. It is painful to see this disproportion between the moral and intellectual characters of distinguished men; and though history might prepare them for such disappointment, they are always dismayed to find those, to whom heaven has been most liberal of its gifts, unfaithful in the use of them. Their kind feeling will be severely tried by this *Life of Byron*; they will say of his mind, as he did of Greece, that it is strange that when Nature has formed it as if for the residence of the gods, man should take a mad delight in making a wilderness and a ruin.



For without overstating his defects, it is true, that they will look in vain through this work for any traces of a sense of duty, either in the use of his social privileges or his intellectual powers; they will see too much levity and profaneness, without wit or humor to cover its grossness; they will see something offensive at times in the style of the biographer's apologies for him, when they are made, not as if necessary, but in deference to common opinion; they will find, that he went through the world at the wind's pleasure, and that his path, though occasionally lighted up with flashes of good feeling, was not such as his friends love to remember. In the natural regret for this waste of life and talent, they may chance to visit his memory with even more severity than it deserves; and therefore we take the opportunity of referring them to one or two circumstances, without which his merits cannot be understood, and which will show, that with all his apparent felicity of birth and fortune, he was more to be pitied than condemned.

The chief misfortune of Byron was his want of early kindness and instruction. The mind resembles a garden, in which flowers and fruit must be cultivated, or weeds will grow; and few could be found, even among vagrants and outcasts, more unfortunate than Byron in the guardians of his tender years. His father was a worthless libertine, who, after the death of his first victim, married Miss Gordon, the poet's mother, with a view to her property, which was large, but soon wasted. His great uncle, from whom he inherited his title, was a man of savage and unsocial character, who was believed to have murdered a gentleman in a quarrel. With him, however, he had no intercourse, nor even with his father, who was soon separated from his wife; so that he was wholly abandoned to his mother's care; and a more injudicious guide of a youth so wild and passionate, could not have been any where found. It has been generally thought that she was fondly indulgent; but the present work effectually clears her memory from any such imputation: she was a woman of violent temper, and rendered still more irritable by her husband's treatment, though she seems to have loved him affectionately after all her wrongs. If to leave her child ungoverned was indulgence, she was guilty; but it could not be expected, that, having no rule over her own spirit, she should be equal to the harder duty of governing her son. Neglect, however, was not the worst offence for which she is answerable; she was the author of that bitterness of spirit, which

made him, though at some times mild and affectionate, at others so sullen and ferocious ; for it seems that she forgot herself so far as to taunt him with that slight lameness, which caused him so much misery in his after years. Little do they know of human nature who wonder at his feeling ; the truth is, that in almost any young person, such vulgar allusions to a personal defect, however trifling, will awaken an excessive sensibility amounting to horror : all the self-torturing energy of the soul will be concentrated on that single point ; and if the wound ever heals in the coldness of manhood or age, it leaves a quick and burning scar. This disease of the affections extended throughout his mind and heart ; and to this we are bound to attribute that jealousy which occasionally seemed like madness : and that unsparing resentment of injury which sometimes raged like a flame of fire. Knowing this, we cannot wonder that he regarded his mother without affection, alone as they were in the world. At the same time he discovers in his letters a respect and attention, which clear him from all reproach on this subject : she could expect nothing more of him ; for love is the price of love. Neither were the defects of his domestic education repaired by schools. His mother's poverty prevented her doing him justice in this respect, and he was passed from hand to hand with a view to save expense rather than give instruction. None of his various masters had time to become acquainted with his mind ; and without such an acquaintance with the tastes and powers of the young, teachers are often like unskilful gardeners, who destroy by watering in the sunshine, those blossoms whose habit is to close in preparation for a shower. None of them retained their charge long enough to gain an influence over him. Altogether he had none to lean upon, and no worthy object for his affections to cling to, which is one of the greatest wants of the young and tender heart. This sufficiently accounts for many of his faults ; it explains where his careless desolation began : it shows why he placed so little confidence in the merit and affection of others, why he was so unbelieving in their virtue, and afterwards so indifferent to his own. It accounts for that misanthropy which some suppose was affected, but which there is every reason to suppose was sincere : for, much as he depended on others, ardently as he thirsted for their applause, still, like all others who have no faith in human virtue, he held them in light esteem. Those who cannot live without the world's flattery, sometimes despise the incense-bearers ;

and the person who depends least upon others, is not the misanthrope, but he who takes a manly and generous interest in all around him. Thus melancholy and disheartening was his childhood: Instead of being the gallant bark that Gray describes, standing bravely out to the summer sea, it was the one 'built in the eclipse and rigged with curses dark,' whose destiny was foreseen by the thoughtful before it left the shore.

It may be said, that he might have done like many others whose parents have been unfaithful, and who, by this misfortune, have been driven to that self-education, which Gibbon considers more important than any other. But Lord Byron was most unfavorably situated: this self-discipline is seldom enforced with vigor or success without the pressure of circumstances, or the strong leaning of ambition combining with a sense of duty. But Byron was above the reach of that necessity, which drives so many to great and fortunate exertions. Though poor in childhood, when his wants were few, he had before him what seemed a prospect of unbounded wealth; and the same expectation of rank and honor made him insensible to the call of intellectual glory. He knew that his title would secure him respect, and in this confidence was unambitious of any thing higher; it seemed to be the brightest point in all his visions of future greatness. Those, who, born in humble life, feel the stirrings of ambition, and have no path to eminence open but such as they clear with their own hands, enter upon the work with a vigor which at once gives and strengthens character, and ensures success. Byron, on the contrary, believed from his childhood that he should be respected for his rank alone: it was not till he had reached this great object of desire, and found how barren it was, that he seemed to wish or hope for any other distinction.

The effect of this want of education in mind and character, may be seen in almost every part of his life; even in those illuminated pages which display the triumphs of his genius. He never seems to have had the least confidence in his own taste or judgment with respect to his own productions or those of others. We find him on his return from his first voyage, talking with delight of an imitation of Horace, which his biographer is too conscientious to praise, and at the same time, hardly prevailed upon by the most earnest intreaty, to publish *Childe Harold*, the work on which his fame is built. A taste of this kind is as much formed by society, as by reading and medita-



tion ; but he had acquired a bashful reserve in his childhood, which prevented his reading the eyes or minds of others ; and yet, as the public opinion is the tribunal to which all must bow, he never felt confidence in his opinions till they were confirmed by the general voice. In his judgment of others, he seemed governed by the partiality of the moment. We find him speaking with delight of Coleridge's *Christabel*, or praising Leigh Hunt's affectations, which he was the first to ridicule shortly after. The same wavering appears in his judgment of the English Bards and Scotch Reviewers—a work which he afterwards recanted for no other reason than that his humor had altered. The entire history of this work of wholesale vengeance illustrates the indecision of his mind. In his first indignation at an attack which was certainly enough to irritate a meeker spirit, he forthwith drew his sword and commenced an indiscriminate slaughter of all about him ; but as soon as the moment's madness had passed away, he began to bind up their wounds, at the same time exulting that he had made them feel his power. But the want of every thing like discipline was more plainly manifested in his character ; it was left to itself ; so far as he ever had a character it was formed by the natural and wild growth of his feelings and passions. These feelings and passions were suffered to grow and take their own direction, without the least care or control from any hand. What affectionate instruction might have done, we do not know ;—the experiment was never tried ; he was left to his own guidance, and by feeding on extravagant hopes, he prepared himself to be hurt and disappointed by the ordinary changes of life. Never having been taught what to expect and what he might reasonably demand from others, he received every slight neglect as an injury, put the worst construction on every word and deed, and required of the world what it never gave to any mortal man. In Scotland, his fancy was excited with tales and examples of high ancestral pride ;—rank became, in his eyes, something sacred and commanding ; and there was enough in the history of the Byrons to encourage his loftiness of feeling ; but he was mortified as he came forward into life, to find that the respect paid to it was hollow and unmeaning ; he was received into the House of Lords with as little ceremony as at Eton or Harrow ; and this, though probably a thing of course, was resented by him as an unexampled wrong, for which he insulted the Lord Chancellor at the time, and afterwards impaled Lord Carlisle in various

satirical lines; though the only crime of the former was, that he did not dispense with legal forms in his favor, and Lord Carlisle's transgression, that he did not come at a call. He was still more painfully taught how little could be claimed on the score of rank, by the attack of the *Edinburgh Review*. He could not plead privilege before that bar; a republican from the United States could not have been treated with less ceremony than the English Baron; and it appeared in evidence, that with a regard for principle, of which that work has given more than one example, it abused the poetry for the sake of the man, though his rank was all the provocation. He was also constantly wounded in another tender point—his friendship. With him friendship was a passion, cherished for reasons which he would have found it hard to assign; in its objects, there was no particular merit, save what was generously given them by his active imagination; his little foot-page and his Athenian protégé were of this description; yet he expected of these and others, selected with even less discretion, all the delicacy and ardor of attachment, which might belong to superior natures. He was of course disappointed; and by a process of abstraction found sufficient reasons to libel and detest mankind. Thus in almost every year some favorite charm was broken—some vision dispelled; he came forward into life, like one seeing from afar the family mansion of his race, with its windows kindled by the setting sun—and who, as he approached it, looking for life and hospitality within—found with dismay, as he entered the gate, that all was dark, cold, and deserted.

Byron's melancholy seems to have been owing to these peculiar circumstances of his life. Bright hopes and painful disappointments followed each other in rapid succession; the disappointment being that which attends the gratified desire—of all others, the most difficult to bear. He was his own master, and had all that men commonly wish for; he was thus in a condition where, so far as resources of happiness were concerned, he had nothing more to hope from the world, and that state in which any change must be for the worse, is found by experience to be more intolerable than that in which any change must be for the better. How far his depression was owing to any thing constitutional, we cannot attempt to say, being less acquainted with the nerves of poets than with those of reviewers; but we believe that there are few cases in which

the evil spirit may not be successfully resisted by a resolute will. Unfortunately, those unused to trouble, real or imaginary, become desperate at once, and are ready to make trial of any remedy, to drive the moment's uneasiness away; by dissipation and violent excitement they remove its pressure for a time—but as often as it is lifted, it returns with heavier weight; and at last, like the cottager who burns the thatch and rafters of his cabin to relieve the cold of a winter day, they are left without the least chance of shelter; to supply the vacancy of hope, they consume the materials of happiness at once, and then travel from desolation to desolation, having no resource left, but to become miserable self-destroyers of their own peace, character, and not unfrequently lives.

We regret to find the vulgar impression that this melancholy was owing to his poetical talent, countenanced by such authority as Mr. Moore's; though he does not openly declare that such is his opinion, he intimates that faults and sorrows both were owing to 'the restless fire of genius.' This we believe to be one of the worst heresies in public opinion; beside being dangerous and misleading, it is unjust to the noblest of all arts. Were there no other young men of rank and fortune, equally dissipated with Lord Byron, or did all the companions of his vice and folly share his exalted power? Why need we assign more refined causes for his corruption than for theirs? And more than all, why offer this immunity to those who waste the talent, which was given to bless the world, which we deny to the inferior prodigals of wealth and time? It is unquestionably true, that a quick imagination gives a sharper edge to sorrow, by multiplying, changing, and coloring its images, but it has equal power over images of joy, if the poet can be made to look upon the bright side; and as this depends on his own choice, we cannot sympathise with him very deeply if he insist on being unhappy; we will not throw the blame, which belongs to himself, either on poetry or nature. It is time that justice in this respect were done to poetry; it is a full fountain of consolation; so far from being a Marah in the wilderness of life, there is healing in its waters. The greatest masters of the lyre have found delight in the calm and majestic exertion of all their powers; and while poetry doubles their happiness by its inspirations, it has been found effectual, from the days of Saul till the present, to drive dark thoughts from the soul. No man was ever more indebted to poetry than Lord Byron; we say



nothing of his reputation, though without poetry, he would have left no more name than a thousand other lords ; but we consider him indebted to poetry for all the bright hours that silvered his path of life. That he was a miserable man, no one can doubt, who knows any thing of the effect of distempered fancy and ungovernable passions ; but while he was wildly sacrificing one after another the resources for happiness which surrounded him, and seemed to take an insane pleasure in seeing those treasures melted down in the fires of passion—while he was surrounded by associates, who were enough to put to flight all those better feelings, which could not quite forsake him, even when he seemed most resolute to let them go—while in self-inflicted banishment, his face was always turned toward his country, although he spoke of it with hatred and scorn—while his wild, fierce, and riotous mirth, only manifested the self-condemnation and torture within—he was indebted to poetry, for fanning the embers of his better nature—for kindling up those flashes of manly and generous emotion, which, transient and wavering though they were, have been enough to secure for him the admiring compassion of the world. Nothing can extinguish this sacred light of the soul ; it is an immortal element, which floods cannot drown ; it often revealed to him the true character of his companions, and his own conduct, making him heart-sick of the scenes in which his life was wasted, and the associates among whom he was thrown ; it led him to all the excellence which he ever knew ; and when weary of degradation, he made one last effort with his foot on the native soil of inspiration, to rise to his proper place among the sons of light, it was evidently owing to poetry, that any thing worthy to redeem, was yet existing in his soul.

Equal injustice is done to poetry, by saying, as is often said, in the case of Byron, that misery is the parent of its inspirations. Poetry is the work, not of circumstances, but of mind ; of disciplined and powerful mind ; which so far from being the sport of circumstances, makes them bend to its power. There is neither romance, nor elegance in real distress ; it is too real, oppressive, and disheartening ; the mind, so far from dwelling upon it, turns away with disgust and aversion. The person in suffering of body or mind, no more thinks of the fine emotions his situation awakens, than the soldier bleeding on the plain, who would exchange the fame of Cæsar for a drop of water to cool his burning tongue. It is true, that such a person often ex-

presses himself in poetical, that is, in strong language ; but this is not poetry, which expresses a vivid imagination of the sorrow, rather than the reality, and implies a steady scrutiny of feelings, and a measuring of the depth and power of language, to which real suffering is a stranger. The whole advantage which a poet derives from acquaintance with grief, is the same he might borrow from being present in a storm at sea ; he could no more describe his emotions, at the moment when every nerve is strained and wrung with grief, than he could sit down to paint the sublimity of the tempest, when the vessel lets in water at every seam. Afterwards, he may remember the circumstances, and recall the feelings ; and if he do it with judgment and selection, may affect the minds of his readers with impressions similar to his own. But he cannot do this, till the fear and anguish are gone ; or at least, till he finds a consolation in the exercise of his mind, which makes him forget his sorrows. No stronger confirmation of this can be given than the lines addressed to *Thyrza*, which exceed all lyrical poetry in the language for the deep feeling which they express. They were addressed to an imaginary person, and the emotions, if he ever had felt them, were at the moment of writing, dictated by the fancy rather than the heart. While therefore we believe that *Byron* was melancholy in his temperament, we do not believe that poetry was either the cause or the effect of his depression ; his sadness was owing to the circumstances of his life ; but whether natural or accidental, it must be admitted in extenuation of his faults, because even if accidental, it was formed at an early period by events, over which he had but little control.

We make these remarks, not by any means because we consider these circumstances as a full justification of *Byron's* character ; but because this book will give a very unfavorable impression ; and as title and fortune are generally thought to be names for happiness, it may chance to be forgotten, that there was any thing in his condition to be pleaded in excuse for his transgressions. His reputation needs the apology, and he has a right to the benefit of it, as far it will go. Some may wonder to hear the name 'unfortunate' applied to this great favorite of the world ; and yet, whoever reads his life with any attention, will feel that there are few so little to be envied as he. There is something inexpressibly dreary in his history. He never knew any thing of a father's kindness, nor in truth of

a mother's love; there was no hand to point out to him the right way, and no strong arm on which his own might lean: his was no school to prepare him for a virtuous life; and perhaps such a life would not have been expected of him, if his mind, undisciplined as his character, had not displayed such remarkable vigor. Expected or not, such a life is not here recorded; and all we ask is, that whoever is painfully struck with this account of his conduct, would take all its palliations, such as they are, into view.

The outline of Byron's history was well known before this work; and as this volume must have been in the hands of nearly all our readers, we shall not give the particulars of his life, though many are curious and interesting; particularly such as show how comfortless a splendid life may be. Much light is thrown upon the promise of his youth; the strong testimonials of affection given by some of his companions, show that he had warm and generous feelings to those whom he loved, but that he was sufficiently haughty and sour to others, with or without provocation. He was in no wise ambitious of improvement in the schools; but rather made it a point of honor to rebel against their discipline, which he ever afterwards held in contempt, as men hate that which they have injured. His biographer considers this impatience of restraint an evidence of genius, which, in his opinion, needs no such aids nor laws, and is therefore at liberty to defy them. If the remarks made on this subject were intended to bear upon the English universities only, we should not notice them; but they seem meant as a reflection upon all classical studies pursued in schools. The writer quotes Lord Byron's saying of Virgil and Horace—that his school acquaintance with those classics gave him a distaste for them ever after. The whole truth probably was, that he never troubled himself to ascertain the strength and fidelity of his early associations. Had he read them in maturer years, it is impossible that such boyish recollections should have made him insensible to their beauties; and he would at least have felt, that such a defect of taste and judgment is what one should sooner confess than avow. He could have meant nothing more than to express in a decided manner his aversion to schools; and in this his biographer goes with him, bringing forward great examples of those who felt the same aversion. But it happens, unfortunately for the argument, that these were, most of them, such as had been censured and disgraced at such institutions. It



is not probable that it was a deliberate conviction of the badness of the system, which induced them to violate its laws; the irregularities of youth are more easily accounted for; but those who know how long resentment for such disgrace endures, will not wonder that it influenced their judgment in manhood and age. But this, their partial evidence, is carried further than it was meant to go. We cannot say that Milton was in favor of anarchy, because he wrote against oppression; nor that he was opposed to religion, because he rejected certain doctrines. There may have been many defects in the education of his day, which revealed themselves to his prophetic eye before they were seen by others; but this is an argument not for destruction but reform.

We regret to see such intimations in this work; deliberate opinions we cannot suppose them to be. We do not believe that the writer, though he thinks that the Greeks wrote their language in such purity because they abstained from every other, would recommend a similar abstinence to his readers; when it was owing in them to the want of treasures in any other language which would repay the labor of acquiring it. Nor do we suppose that he would seriously advise us to break up such institutions, and leave the young to forage in the fields of learning and science for a precarious subsistence. To resist the authorities of the schools was not a sure way to make a Milton, nor is every one likely to become a Franklin who runs away from home. But he should have guarded against perversion of his opinions; that they might not countenance the irregularities of genius; that idle impression, which has kept so many fine minds from feeling the necessity of improvement, and inspired so many dunces with a sweet confidence in their own talents, founded on their defiance of all control. Byron and many others became great, not by their transgressions, but in spite of them; had he submitted to the usual discipline of youth, or, more properly speaking, had he enjoyed it, he might have led a better and happier life, and left no cause for his admirers to blush for the cloud upon his fame; though he would have astonished the world less, he might have secured a more enviable immortality.

In speaking of Byron's infidelity, Mr. Moore indulges in a fanciful speculation on unbelief in general, regarding it as a fortunate circumstance, that such skepticism does not begin till the character is already formed. We cannot easily persuade

ourselves that the character is ever formed without some decision of the mind and heart either for or against religion. The character may begin to lean in one or another direction; but religion, if it have any power, must exert it in fixing that direction, and its mere absence from the heart may have the same effect with infidelity. But we cannot conceive of any one growing up to the age of thoughtfulness, to the time when tastes are decided and habits fully formed, without asking himself whether he believes in his own immortality. If he grow up under religious influences, and afterwards become persuaded that religion is not sustained by evidence, his infidelity may be less injurious, because his judgment must approve the course of life recommended by Christianity, whatever he may think of its divine origin. But with respect to Byron, as his biographer testifies, and we believe with respect to others, the case is different; infidelity begins at an earlier age—the age when the mind first discovers its own powers, and exults in its conscious freedom—the age when it has not yet learned that the trodden path is not to be despised, and takes pride in defying common opinion—at such an age, the mind is much more likely to shape its religion to its wishes, than to submit its wishes to religion; and it is easier for us to believe, that Lord Byron, and others like him, fashioned their faith after the taste of the moment, than that they reasoned on the subject after the manner of Herbert and Hume.

Byron had become associated at such an age as this with a number of young men, who, taking his own description, were not likely to exert a happy influence over a lawless and wayward mind. Among others, there was Matthews, to whom he has paid so beautiful a tribute in *Childe Harold*—a man of remarkable promise, if we may judge from the eulogies of his friends, but a professed atheist, and fond of employing his wit on subjects which any man of principle, whether atheist or Christian, would have kept apart from profanation. Byron held him in great respect, and was doubtless injured by his influence; the more so from his having previously thought, or at least expressed himself with some interest on religious subjects; having at no period of his life any great confidence in himself, he was easily laughed out of his religion, and, to show the sincerity of his contempt for it, may have made a show of indifference to it which he did not really feel; at any rate, it was driven from his thoughts; and he seldom speaks of it at

all, except when he paints the desolation of his feeling; and the very dreariness which he ascribes to him, who cannot look beyond the tomb, shows that he knew the value of the hope of immortality, though he felt that the wilderness about him would not be complete, if any shoot from the tree of life were seen to grow. But there was nothing in his habits of life, which could make this a welcome subject, except for the poetical interest which it afforded; and therefore he dismissed it, as one parts from a stranger, not as he tears from his heart the friend whom he is compelled to believe untrue. It is in this way, that young infidels are generally formed. Unbelief is too strong a word for their state of mind, if it mean that they have rejected Christianity from want of evidence to satisfy their minds; for there is so little to make this a pleasing subject of contemplation to them—so little in it that flatters, and so much that condemns—they have learned so little of the importance of its hopes, having never yet found the springs of common enjoyment dry, that they do not suffer it to come near enough to their minds to have its claims and evidence weighed; they rest in that state of unbelief which amounts to indifference, and, though they sometimes startle others by a parade of infidelity, do not differ from thousands who call themselves believers; and they are not worse than they would be, if they bore the name of Christians.

Mr. Moore has given a very liberal account of the attack of the *Edinburgh Review*; which, however painful to Byron at the time, was a fortunate humiliation for him, as it taught him the secret of his own powers. Mr. Moore thinks that we judge these poems more favorably from our impressions received from his later writings; but we suspect that the association of the splendid efforts of later years with his imperfect beginnings would not tend to raise the latter in our estimation. The effect would be that of contrast, and would make us think of the first attempts more meanly than they deserve. The question, however, is not, whether the poems were good or bad; we think that many of them are good: but whether the offence was such as to call for such a severe infliction, which, to Byron, who had high ideas of the majesty of reviews, was a tremendous blow. Whether the attack was justifiable or not—the manner no one will defend—the review had no reason to boast its success. For, though Byron retorted in a poem, which, with all its excellence and vigor, is wanting in consistency and



justice—which, in many parts was unpardonably insulting to those, who, like Scott, had never offended him—though he goes far beyond the review in the very transgression of which he complained—still, so heartily did the public feeling go with him in his resentment, that his work was received with unbounded applause. The whole history of this affair deserves attention, as showing how little there was fixed and decided in Byron's character. When the review took the only ground that was left it after his *Childe Harold* appeared, and with amiable unconsciousness professed its surprise that he should have suspected it of unkind intentions, he was melted at once; such a concession seemed but too great, and he hastened to repair the injury he had done by suppressing the English Bards and Scotch Reviewers. All this was well; for he did it on his own account more than theirs; what we would remark, is the confidence in his own powers which sprang from his success on this occasion, when the fires of genius were kindled by those of passion. It was a limited confidence; though he knew himself mighty, he did not judge with more confidence than before, of the respective merits of his different productions. As far as it went, it was sustained by the general feeling; and when that foundation gave way, or rather, when in their dislike for his person, his countrymen began to underrate his mind, abusing him with zeal proportioned to their former idolatry, he, with his usual recklessness, set the general feeling at defiance: not because he had laid any deep plans of revenge, or approved at heart of profaneness and sensuality, but because he felt for the time like Richard III., and resolved, that, since he could no longer entertain, he would defy the world. We do not believe that he could have given a reason why he attacked so many unoffending poets in his satire; we do not believe that he could have drawn the poisoned element of *Don Juan* from any deep fountains in his own heart; we do not believe that he could have explained much of the conduct of his life, except by saying that such was his humor: it had been freely indulged through all his youth, and this was the reason that he would do and say what he could not justify, rather than seem under any control; this was the reason, that, when he had no longer a home, but was, like his Cain, a wanderer, he put on this resolute air of independence, to show that he could 'take his ease in his own inn.' Such characters are never resolute, but when they take their stand against others—so long as the

opposition lasts, their firmness endures; and in the indulgence of this defiance, regardless of what is right or wrong, they go as far beyond their own feelings as those of others, treating every thing unworthy, as justified by the rules of war.

Here we may as well say that we must be careful not to give too much weight to little incidents and expressions in forming our opinion of such characters. Mr. Moore occasionally errs in this respect; attaching an unnecessary importance to some of his sayings and actions, which, however they might bear upon his character, supposing them to be deliberate and meditated, are evidently vacant and unmeaning. For example, Byron, once holding the point of a dagger to his breast, was overheard to say, 'I should like to know how a person feels after committing a murder.' 'Here,' says his biographer, 'we may discover the germs of his future Giaours and Corsairs.' This is certainly magnifying an idle word and action; hundreds of youths, who could as soon have written the *Principia* as the Corsair, have done and said the same thing, without ever touching the secret spring that discovers the dark passions of the soul. Such indications as this amount to nothing; and it is difficult to judge from others of more importance, because young men born to no restraint and exempt by privilege, or misfortune, as it should be called, of birth, from those weights which regulate the motions of others, are apt to consider what others call serious things as trifles, and to exalt trifles into absurd importance: so that it is difficult to judge of their feeling from their conduct, beyond the main fact that the moral sentiment is inactive and perverted. Byron was certainly one of this class. He has left some sad examples of his talent at degrading into trifles what others hold in respect: saying that they were thoughtless, is not excusing them, for he was of an age to know what he was doing, and thoughtlessness is a crime if it lead to sacrilege and sensuality. That he made trifles important, appears from the influence he gave to his imagination in the conduct of life; he imagined himself set apart by his destiny from the communion of mankind—among them, but not of them: he was really desolate, but he imagined himself more so—and though one like him, might, by effort, have mastered all the unfavorable circumstances of his life, and have risen at any time from weakness to power, and from dishonor to glory, he imagined that nature and man conspired to keep him an alien from his race. Thus all his feelings were fancies—and

the day-dreams of imagination grew into the circumstances by which his life was governed. No one can account for his movements, without being in the same condition or under the same delusions: 'he sees a hand we cannot see, he hears a voice we cannot hear.' We do not believe that he could have explained to himself half the actions of his life; he could not remember the impulse by which he acted, after the fancy had died away; he had no conception of himself, except as a Harold or a Conrad, and these were creations of fancy, which had no original in any men that ever existed. No wonder that he should be still more unaccountable to others; sometimes he seems to us to move as much without reason as the wayfarer, who turns aside, mistaking the western clouds for mountains. Those who regard him as acting like other men in the same condition, will have but little forgiveness for his errors; while those who know the power of a busy imagination to suggest various courses of action—to conjure up obstacles or inducements, and to give the color of right to that which is wrong, will feel, as if, though they may not defend his words and deeds, there may be palliations visible to that eye that reads the heart.

The effect of his first travels is beautifully described by Mr. Moore, and may serve as a confirmation of what we have said respecting his want of energy within, and the manner in which he required to be sustained by lateral pressure. - Strength of mind he possessed in abundance, but he had not strength of heart. He went away, feeling that satiety which always follows a surrender of the soul to pleasure, going out as it seemed, with little more than change of place in view; but his wanderings led him through regions where travel abounds, not merely as in more civilised regions, in vexation, but also in hardship and adventure. Every thing that he saw was new, and calculated to awaken the imagination, from the barbaric power of Ali Pacha, to the eloquent ruins of Athens; like all who have breathed the air of classical literature, the love of Greece lay deep in his soul; and when he traversed her blue waters and lonely mountains, he heard the voice of ages fast calling on him to secure a glorious immortality in all that were to come. He listened and 'his spirit was stirred in him,' his mind was excited to manly and vigorous actions, and he poured out his soul in strains never exceeded for the depth and fulness of their meaning or the bold music of their flow. Who will deny



that the inspiration which he borrowed from the land of recollections was afterwards splendidly repaid? The variety of scenes through which he passed—the persons he encountered and the places full of interest, which he saw, produced the effect of discipline and education; his mind learned to act with spirit and decision; and as he became fitted for intellectual duties and pleasures, he acquired a self-sustaining force, which rightly directed might have made him not merely eminent, but useful and happy. Before that time, he had been an entire stranger to intellectual exertion; though he had read much, it was with irregular and aimless range; whatever may be said of the improvement derived from his cultivated society at Newstead, is fully answered by their own descriptions of the engagements of a day; beside them, his associates were dogs, bears, and professors of pugilism, the most brutal of all arts. It was a fortunate hour when he grew weary of his pleasures, and fled to regions where all around him was calculated to excite curiosity and call out his powers. For even in poetry, up to this time he was inclined to an imitative style, which was to his faculties like the cramp of artificial gracefulness to the limbs, preventing all free action, except when as in the case of the review his momentary passion burst the cords with which his hands were bound. It was not, as his biographer supposes, that he grew more in love with solitude; solitude would not have invigorated a mind like his; it would have been stagnation to the fountains of his genius, and it needed all his activity in travel to trouble the waters; activity of the frame was essential to that of his mind; and thus quickened, he broke, in spite of himself, the chain of old poetical practice, and while he retained all his reverence for the classical form and his resolution to excel in it, indulged himself in other writings more suited to his taste; regarding the latter as the play and the former as his high ambition. This was the origin of *Childe Harold*—a sort of poetical journal of his thoughts and feelings, taken down in the moment's glow; he hardly considered it worthy the name of poetry, and yet nothing ever more surprised and delighted the world. This was what travel had done for him—it taught him to throw off his literary distrust and reserve, and to speak with ease and energy the native language of his heart.

There are few more interesting facts in literary history than this; Mr. Dallas saw Lord Byron immediately after his return and heard him speak with enthusiasm of a work, which he

believed would add much to his fame. This he put into Mr. Dallas's hands, who read it with dismay, and ventured to ask his Lordship if this was all the result of two interesting years. He said in reply, that he had some other short poems occasionally written during his absence, but they were not worth attention, and while he gave these carelessly to Mr. Dallas he insisted on the immediate publication of the other. Fortunately, the person into whose hands they fell, had capacity to understand their value and immediately told Lord Byron of the treasure he had found ; but it was with the utmost difficulty he could prevail on the author to give it to the world. There are several such instances on record of the little power of authors to judge of their own productions, but none so remarkable as this. We allude to it as showing the manner in which he estimated the merit of his works by the labor with which they were written. He learned the right practice before he acquired the right taste ; like the waking giant he threw off the bands which could only hold him while sleeping ; and yet, had he remained in the Abbey where external influence could not be brought to bear upon his mind, he might have lived and died, leaving no more to be remembered than one of the monks that slept under its floors.

When Lord Byron returned to England, after his first travels, he felt as if he were going back, without pleasure, to a land which had no claim upon his affections. It is true, that he had few of those attractions at home ; but how many there are who have none of the enjoyments embraced in that inspiring word ; and how many more whose home is only a distant and painful recollection ! He had no friends either, except such as were ready-made ; as he was prevented by pride and reserve from cultivating new attachments, there were few to welcome his return. Beside this, his circumstances were so unpromising, that Newstead had been entered with an execution. Such anticipations may have made him look forward at times to his return with a feeling of dread. It must be allowed too, that he overrated his own misery ; he fixed his eyes on dark points, such as are found in every man's prospect, till there seemed to be nothing bright for him to hope or enjoy. He insisted on being miserable, as if it were a sacred duty, and there are many passages in his letters of 'most humorous sadness,' which remind us of Cowper's penitential letters to Newton, in which his natural mirth is perpetually breaking through the

artificial cloud. The very circumstance that he cherished so much the acquaintance of grief, proves that it could not have sunk so deep as he imagined, for sorrows always present, soon become, like the skulls on his table, too familiar to excite the least emotion. Altogether, it seems evident to us that Byron's heart was set on England; it certainly was so far as this,—that he found neither home nor rest in any other country. And how could it be otherwise? Lord Byron was thoroughly English in all his habits, tastes, and feelings; not only in his occasional courage, manliness and generosity, but in his haughtiness, caprice, and suspicion. His favorite amusements were of the rough and active kind, and some of his pleasures we must say, bore an English taint of grossness. He was English in his jealous and defensive pride, which could not pardon slight neglect, so easily as serious wrongs. There was no place where he found the least happiness, except in England; and when he left it at last, with expressions of hatred and defiance, it is evident that his wrath was fiercer, because he felt that he could not cease to love the land he had abandoned. While he lived abroad, he welcomed associates who had nothing but the name of English to recommend them, with as much delight, as Capt. Cooke saw the leaden spoon with the mark of London on one of the Sandwich Islands. It was the indignation and despair occasioned by his loss of popularity in England, which made him descend to low and licentious satire, in order to show that indifference which he never felt to England's good opinion. The fierce violence of disappointed pride is not to be hidden under a jesting tone. He seemed to act with the feeling of a lover to an unkind mistress—plunging into dissipation, with the wish and hope of giving her pain by his vices. Byron in like manner trusted that when England heard his voice echoing in riotous mirth from a foreign land, she would accuse herself of severity, and lament that so much power was lost, or worse than lost to the world. He felt all the while, as if the English public were the arbiters of his fame; and probably, when he left England the second time, he would have chosen rather to remain, and face the changed wind of popular feeling which beat in a perfect storm upon him, had he not felt as if his poetical fame was waning, and his circumstances in hopeless confusion. But wherever he went, 'What will they say of us in England?' was the uppermost question, asked partly in tenderness, partly in scorn;—it had its share in



the impulse which drove him to Greece, and when he perished there we believe that England,—we know that his wife, child, and sister,—were the last mortal vision that faded from his soul.

Lord Byron never appeared in so interesting a light, as at the time when Childe Harold had made him the gaze of every eye. This was the happiest and most brilliant portion of his life; indeed the only portion to which those words can properly be applied. Beside his literary pretensions, he had begun to aspire to the fame of an orator, and had already spoken once or twice, with promising success. But all other hopes were dimmed by his poetical triumph, and seldom has there broken on the eye of man a scene of equal glory. He had not anticipated this; he had reproached himself with relying so far on the opinion of his friends, as to give his poem to the press; his success therefore was made more welcome by surprise; and when we remember that in addition to this he had the charms of high birth, renowned ancestry, and uncommon beauty of person, it is not strange that the public with its English enthusiasm, should have been transported with admiration. Wherever he went he was received with rapture; nobility, fashion, even royalty itself united in the general acclamation; his natural shyness passed for the absence of genius; his constraint in formal society was taken for the coldness of sorrow; his brow was supposed to be overcast by a melancholy imagination; his faults, so far as known, gave an air of romantic wildness to his character, though they were generally veiled by the clouds of incense that rose from every side and gathered round him. Those who had suffered from his sarcasm laid their resentment by; and came manfully forward to offer at once their forgiveness and applause; sensitive as he was on the subject of self, he had every thing to keep him in a state of perpetual excitement, delightful, no doubt for a time, but calculated, when its first freshness was over, to bring more uneasiness than gratification; and a poor preparation for that hour when the sounds of applause were to die away, and nothing to be heard but the murmur of condemnation, that reached him even across the deep.

As we have said, he appears more amiable at this period of his life than at any other; for a time, he is at peace with himself and all around him. The appearance of the *Giaour*, and the compliments paid him by Jeffrey on that occasion, completed his exultation. But while it is pleasant to witness the

rejoicing of success, Byron's friends, had they known his nature, would have trusted but little to the promise of that hour. We cannot judge of a dwelling by its appearance when illuminated for a victory, nor of any character by the happiness produced by circumstances; for such happiness cannot last, and when it goes, it leaves the heart more desolate than it was before. If the world's favor did not change, it was almost certain that he himself would alter; after living on this exciting element for a while, it would naturally lose its power; the fountain having been drained in the beginning could not be filled anew; and as nothing less luxurious would satisfy his desires, he must of course return to his old state of depression, sinking low in proportion to the height from which he fell. Such was the result; we soon find him making arrangements for another voyage; he seemed to anticipate the time when the popular interest should fail him, and therefore kept himself as much apart as possible; still the change was to come in the order of nature, and it came first in him; he grew weary of receiving sooner than the world of giving its praise. He says of Sheridan, 'What a wreck is that man! and all from bad pilotage; for no one had ever better gales.' The same might be said of himself at this time; but the truth is, that no winds are favorable to those who are not made in a measure independent of circumstances by something firm within; when energy at heart is wanting, it requires a miraculous combination of circumstances to keep one good, prosperous or happy.

This brings us to Lord Byron's marriage and separation; a piece of history which has long been publicly discussed, and with a freedom unusual in such cases; it was investigated perhaps with the more earnestness from its being carefully hidden; but now, the slight mystery that hung over it is removed by Mr. Moore's publication, and a statement from Lady Byron, which has followed it, and which reveals all the circumstances that the public are likely ever to know. This is the first time she has ever appealed to the public against the charm of her husband's poetical insinuations; silence was certainly the more dignified course, and no explanation from her was called for; the public feeling in the circle round them was all on her side, and Lord Byron was visited with a sentence of outlawry, which made him an exile ever after. There was a stern cry of indignation against him, which indicated either that the English fashionable world had been suddenly converted to rigid morality, or that his popu-

larity was on the wane, and enemies of all descriptions, literary and political, took advantage of the moment to give him a fatal blow. The history of the separation, as given in this work, leaves a charge of duplicity on Lady Byron, which she did wisely to repel. He says, that shortly after the birth of her daughter, she went to visit her parents; they parted in the utmost kindness; she wrote him a letter on the way full of playfulness and affection, and as soon as she arrived at Kirkby Mallory, her father wrote to inform Lord Byron that she would never return. This was at a time when his pecuniary embarrassments had become intolerably pressing; executions had been repeatedly in his house; and for a wife to choose this time and manner to leave her husband would inspire a natural prejudice against her, unless there were grave reasons to justify her apparent want of sincerity and good feeling.

Lady Byron explains her conduct in a letter written to justify her parents from the charge of interfering on this occasion. She states that she believed her husband insane, and acted upon that impression, both in leaving him and in writing her letter, choosing the tone and manner least likely to irritate his passions. She states that had she not considered him insane, she could not have borne with him so long. She endeavored to obtain a separation, but the circumstances were not thought sufficient to make out the case of insanity. We are not surprised that such was her impression. Mr. Moore mentions that Byron was in the habit of keeping fire-arms in his carriage and near his bed. Such extravagance was enough to excite her suspicion of his soundness of mind; and there was nothing to quiet her apprehensions in his temper, which was grown irresistible by long indulgence of self-will; he was wholly untaught to submit to those mutual concessions, which domestic happiness and harmony require. When we remember that his passions, which he himself describes as occasionally savage, were incensed by seeing his house repeatedly in possession of officers of the law, no wonder that all should have seemed like madness, to her even spirit and uniform feelings.

We do not know how any one acquainted with the history of their attachment, could have anticipated any other result. The first mention of Lady Byron is found in the *Journal*.

'A very pretty letter from Annabella, which I answered. What an odd situation and friendship is ours! without one spark of love on either side, and produced by circumstances which in



general lead to coldness on one side and aversion on the other. She is a very superior woman, and very little spoiled, which is strange in an heiress—a girl of twenty—a peeress that is to be in her own right, an only child, and a *savante*, who has always had her own way. She is a poetess—mathematician—metaphysician, and yet very kind, generous, and gentle, with very little pretension.’ p. 331.

Here it seems there was no love on either side. He says in another place, ‘a wife would be the salvation of me;’ and this Mr. Moore explains, by his conviction that ‘it was prudent to take refuge in marriage from those perplexities, which form the sequel of all less regular ties.’ These are ominous words. He offered himself at that time to Miss Milbanke, and was rejected; ‘on neither side was love either felt, or professed.’ ‘In the meantime new entanglements, in which his heart was the willing dupe of his fancy and vanity, came to engross the young poet; and still, as the usual penalties of such pursuits followed, he found himself sighing for the sober yoke of wedlock as some security against their recurrence.’ Such is his friend’s account of the reasons of this connexion. Some time after this a friend advised him to marry, to which he assented, ‘after much discussion.’ He himself was for another application to Miss Milbanke, but his friend dissuaded him, on the ground that she was learned, and had then no fortune. He at last agreed that his friend should write a proposal to another lady; it was rejected. ‘You see,’ said Lord Byron, ‘that Miss Milbanke is to be the person.’ He immediately wrote to her, and his friend reading what he had written, said, ‘this is really a very pretty letter; it is a pity it should not go.’ ‘Then it shall go,’ said Lord Byron. It went, and the offer was accepted. In this way the most important action of his life was done. He said, ‘I must of course reform,’ and with this shadow of a resolution, he went through the ceremony in a kind of thoughtless heaviness, which he was at no pains to conceal. What induced Lady Byron to risk her happiness in such an adventure, we cannot tell, unless she was ambitious of the glory of reforming such a man. If so, she did her part, by his own acknowledgment.

‘I do not believe, and I must say it, in the dress of this bitter business, that there ever was a better, or even a brighter, kinder, more agreeable or more amiable being than Lady B. I never had, nor can have, any reproach to make her while with me.’

Such hopes are invariably disappointed ; their only chance of success consists in a strong hold upon the affections, which she never had on his. Such a marriage contract, like the book of some ancient prophet, was written within and without, with lamentation, mourning, and woe.

Mr. Moore is inclined to attribute all this to the incapacity of men of genius to enjoy domestic peace. He forgets that in defending his friend, he does injustice to talent as well as to Him who gave it. Examples may be found among poets of such unfortunate marriages, but there is no connexion of cause and effect between their genius and their guilt or calamity, which ever it may be. We do not believe a single word of his refined speculation on this subject. We cannot believe that poetical inspiration, that glorious gift of God, can ever be a curse to its innocent possessor. Like every thing else, it may be abused ; and then the greater the power the wider will be the destruction. But there is no tendency to abase in its nature. There is no need of giving the reins to imagination. Where this power is strong, the judgment, if encouraged, will be strong in full proportion, and, if taught to do its office, will keep the fancy from excesses as well as the passions. So far from giving even a distaste for reality, it will give a charm to reality by surrounding it with elevating associations, it will raise its possessor above the common level of life, not too high to see all things distinctly, and yet so high that he can look over and beyond them. Man is made lord of all his passions—invested with power over all the elements of his nature. He may keep or he may resign it ; he may cast the crown from his head—he may make himself the slave of those affections which he is bound to govern ; but let him not libel his nature, for he makes himself weak when heaven meant him to be strong ; he sinks himself into degradation and sorrow where Providence would never have placed him. The fault is all in his own infirmity of purpose and will.

We shall not probably have another opportunity of speaking of Lord Byron, and we cannot leave the subject without saying a word of his writings. His name has now become historical, and his works are registered in the treasures of English poetry. Now, if ever, they can be fairly judged. The enthusiasm in favor of the writer has nearly died away ; and, as usual in cases of reaction, begins to be succeeded by an indifference, which is more fatal than any other infliction to a poet's fame.

His works are not so much read at present as they will be some years hence, when what is obscure and prosaic about them will be passed by, the grosser parts dismissed to oblivion, and that which is great and excellent be read with an unmingled pleasure, which his readers cannot now enjoy.

*Childe Harold* is his most important work, and on this and his lyrical poems his fame must ultimately depend. It was a secret outpouring of his soul, deeply colored by his peculiar genius and feeling. It bears no marks of that constraint and adaptation produced by a consciousness that the public eye was upon him. The *Childe* is a character sufficiently natural, and the feelings embodied in it by the poet, allowing for a little overstatement, nearly resembled his own. It was a happy imagination to represent only the more striking scenes, such as would be likely to fix the attention of an uninterested wanderer. It affords an excuse for passing over what is unsuited to poetical description, and for giving bold relief to such as could kindle the vacant pilgrim's heart and eye. All about the poem, even its abruptness and disorder, is brought into keeping, so that irregularity becomes a beauty.

But the character of the *Childe* was so successful, and he was so much flattered by its being taken for a likeness of his own, that, instead of imagining new, he was tempted to draw it again. In the *Giaour*, *Corsair*, and other poems, he multiplies copies of this original; but in attempting to give them additional effect, he has gone beyond the bounds of truth and nature. We can imagine some good feelings lingering in the ruins of a libertine's character, and reviving when his heart is moved to tenderness; but to transfer the same affections to pirates and murderers is so shocking to probability, that none but very young readers can be interested. It is surprising that he should not have felt, that to ascribe habitual good feeling to such a character is quite as unnatural, as to imagine good men living in the practice of robbery and murder. Still these works abound in traits of great loveliness and power; and though they did not injure his fame, could not prevent its natural decline—a decline which must come unless every new effort of a poet transcend the last. It was an indifference which he could not well bear. Though he constantly declared his weariness of the world and the men of it, he could not endure that the world should grow weary of him.

We must say that we consider some of his lyrical poems



as the finest in the language. The deep feeling which he delighted to express was better suited to short pieces than to long poems. For though in a poem such passages occur at times with startling effect, they give the humble aspect of prose to all that comes between. But many of them are out of the reach of criticism or of praise. The allusions to lost friends which close the two first cantos of *Childe Harold* never will be read without emotion. His '*Night before Waterloo*' will make hearts thrill longer than the victory, and his '*Thunder Storm in the Alps*' will be remembered as long as thunders roll.

We are bound to say of this work, that the moral tone is not what it should have been. Not that the writer endeavors to conceal Lord Byron's faults—he tells them without reserve ; nor that he flatters the moral character of his subject. So far as he had any clear conceptions of a character so unformed, he gives them with great impartiality. But he speaks of vices at times with a light and careless air, as if they were harmless if not discovered. Still the moral effect of his work will not be so unfavorable as might be feared ; for, beside that it is not likely to be popular, envy is the very last feeling which his account of Lord Byron would inspire. Never was there a more striking picture of a man splendidly unhappy ; weak in character, though mighty in his powers ; solitary as a hermit, though born to rank and fortune ; wandering without pleasure and reposing without rest ; admired by millions and loved by very few ; able to move the spirit of nations, and himself like the great ocean lifted and broken by gales that would not have agitated humbler waters. We freely confess that we read his history with compassion ; feeling as if one who was never directed in the right way, could hardly be said to have wandered. But no such feelings can deceive us into an approbation of his character ; we hold him up as a warning, not as an example. We might have waited for the conclusion of this '*Life,*' but for various reasons thought it better to notice the first volume. There can be nothing to make us regret that we have done so in the registry yet to come. His hopeless fall began after his separation from his wife and his retreat from England. We have followed him to the edge of the cataract, and have no disposition to see him dash below.

ART. IX.—*Tales of the North West, or Sketches of Indian Life and Character, by a Resident beyond the Frontier.* 18mo. Boston. 1830.

This little volume is understood to be the production of a young writer, who has grown up among the wild scenes of the North-Western frontier of our country, and being now restored to the abodes of civilized life, has given us the fruits of his experience in the form of tales. We have had some reason to suppose that the North-West coast was a pretty good school, and the work before us will go far to extend this favorable prepossession to the internal regions in that quarter of the continent. Considering the circumstances under which it was prepared, we look upon it as one of much promise. The descriptions of nature, both living and inanimate, have a striking air of truth and fidelity, and the style of execution is marked throughout with great freedom and power. There are no doubt obvious symptoms of immature taste, and a too rapid preparation; but these are defects that are naturally and easily corrected when there is talent at bottom. If in his future attempts the author will bestow more care and reflection upon the arrangement of his materials, and allow himself more time for composition and revision, we think we can assure him a decided success.

The characters that figure in these narratives are the Indians, the half-breeds, and the American and English hunters, that roam through the vast solitudes of the Missouri territory, and are all different varieties of the same general character. The representation given by our author of the manners of the natives is somewhat less poetical, but probably more true than that of Cooper. The leading traits of the picture are, however, substantially the same which appear in his delineations, and which, with few or no important discrepancies, have been assigned by almost all observers to the aboriginal inhabitants of our continent. The Indians furnish undoubtedly one of the most favorable specimens of savage life that have yet been met with. The striking similarity between their state of society and that of the ancient Germans, as described by Tacitus, has been often pointed out, particularly by Robertson and Herder, and is obvious to the most cursory inspection. Whether the natives of our continent, had they been left to pursue their own course,

would have made a progress in civilisation, corresponding with that which has taken place in Europe, is a curious question, which it is now impossible ever to solve. It is much to be regretted, that political events of an accidental character are likely to defeat the only effort that has yet been made with a probability of success for bringing any portion of the natives within the pale of civilisation. The southwestern tribes had within a few years apparently overcome the first and greatest obstacles to improvement, and it is peculiarly unfortunate that just at this moment a combination of local and sectional interests should have operated to prevent the progress of this interesting experiment, and probably in the end to remove from our territory the tribes in which it was going on.

The tales contained in the volume before us are generally short. The longest, entitled the *Bois Brulé* (*Burnt Wood*, the French name for a half-breed), is not in our opinion the best. It is in fact the one in which, from its length, a want of maturity in plan and style would naturally be most observable. Among the most spirited and pleasing is the one entitled *Payton Skah*, or the White Otter, which we extract entire as a specimen of the author's manner.

'We have before intimated that we cannot pretend to much accuracy with regard to dates. So we are not certain that the events we are about to relate did not happen five centuries ago, perhaps more; but it is probable that the time was not so remote. Be that as it may, we shall give the facts in the same order in which tradition hands them down.

'The Dahcotahs were at war with the Mandans. Many were the onslaughts they made on each other, and long were they remembered. Among the Sioux warriors who struck the post, and took the war path, none was more conspicuous than Payton Skah, or the White Otter. He belonged to the Yankton band. When he returned from the field with his head crowned with laurels, or, more properly with his bridle rein adorned with Mandan scalps, the seniors of the tribe pointed to him and exhorted their sons to ride, to draw the bow, and to strike the enemy like Payton Skah.

'Payton Skah was a husband and a father. As soon as he was reckoned a man, and able to support a family, he had taken to his bosom the young and graceful Tahtokah (The Antelope), thought to be the best hand at skinning the buffalo, making moccasins, whitening leather, and preparing marrow fat, in the tribe. She was not, as is common among the Dahcotahs, car-



ried an unwilling or indifferent bride to her husband's lodge. No, he had lighted his match in her father's tent, and held it before her eyes, and she had blown it out, as instigated by love to do. And when he had espoused her in form, her affection did not diminish. She never grumbled at pulling off his leggins and moccasins when he returned from the chase, nor at drying and rubbing them till they became soft and pliant. A greater proof of her regard was, that she was strictly obedient to her mother-in-law. And Payton Skah's attachment, though his endearments were reserved for their private hours, was not less than hers. No woman in the camp could show more wampum and other ornaments than the wife of the young warrior. He was even several times known, when she had been to bring home the meat procured by his arrows, to relieve her of a part of the burthen by taking it upon his own manly shoulders. In due time, she gave him a son; a sure token that however many more wives he might see proper to take he would never put her away. The boy was the idol of his old grandmother, who could never suffer him out of her sight a moment, and used constantly to prophecy, that he would become a brave warrior and an expert horse-stealer; a prediction that his manhood abundantly verified.

'In little more than a year the youngster was able to walk erect. About this time the band began to feel the approach of famine. Buffaloes were supposed to abound on the river Des Moines, and thither Payton Skah resolved to go. His mother had cut her foot while chopping wood and was unable to travel; but she would not part with her grandchild. Tahtokah unwillingly consented to leave her boy behind, at the request of her husband, which indeed she never thought of disputing. One other family accompanied them. They soon reached the Des Moines, and encamped on its banks. Many wild cattle were killed, and much of their flesh was cured. The young wife now reminded her spouse that his mother must by this time be able to walk, and that she longed to see her child. In compliance with her wishes he mounted his horse and departed, resolved to bring the rest of the band to the land of plenty.

'At his arrival his compatriots, on his representations, packed up their baggage and threw down their lodges. A few days brought them to where he had left his wife and her companions. But the place was desolate. No voice hailed their approach; no welcome greeted their arrival. The lodges were cut to ribbons, and a bloody trail marked where the bodies of their inmates had been dragged into the river. Following the course of the stream, the corpses of all but Tahtokah were found on the shores and sand-bars. Hers was missing, but this gave her husband no consolation. He knew that neither Sioux nor Mandans

spared sex or age, and supposed it to be sunk in some eddy of the river. And Mandans, the marks the spoilers had left behind them, proved them to be.

‘ Now Payton Skah was, for an Indian, a kind and affectionate husband. The Sioux mothers wished their daughters might obtain partners like him; and it was proverbial to say of a fond couple, that they loved like Payton Skah and Tahtokah. Yet on this occasion, whatever his feelings might have been, he uttered no sigh, he shed no tear. But he gave what was, in the eyes of his co-mates, a more honorable proof of his grief. He vowed that he would not take another wife, nor cut his hair, till he had killed and scalped five Mandans. And he filled his quiver, saddled his horse, and raised the war-song immediately. He found followers, and departed incontinently. At his return but three obstacles to his second marriage remained to be overcome.

‘ In the course of the year he fulfilled the conditions of his vow. The five scalps were hanging in the smoke of his lodge, but he evinced no inclination towards matrimony. On the contrary, his countenance was sorrowful, he pined away, and every one thought he was in a consumption. His mother knew his disposition better. Thinking, not unwisely, that the best way to drive the old love out of his head was to provide him a new one, she, with true female perseverance, compelled him by teasing and clamor to do as she wished.

‘ So the old woman selected Chuntay Washtay (The Good Heart), for her son, and demanded her of her parents, who were not sorry to form such a connexion. The bride elect herself showed no alacrity in the matter; but this was too common a thing to excite any surprise or comment. She was formally made over to Payton Skah, and duly installed in his lodge.

‘ He was not formed by nature to be alone. Notwithstanding the contempt an Indian education inculcates for the fair sex, he was as sensible to female blandishments as a man could be. Though his new wife was by no means so kind as the old one, yet as she fulfilled the duties of her station with all apparent decorum, he began to be attached to her. His health improved, he was again heard to laugh, and he hunted the buffalo with as much vigor as ever. Yet when Chuntay Washtay, as she sometimes would, raised her voice higher than was consistent with conjugal affection, he would think of his lost Tahtokah and struggle to keep down the rising sigh.

‘ A young Yankton who had asked Chuntay Washtay of her parents previous to her marriage, and who had been rejected by them, now became a constant visiter in her husband’s lodge. He came early, and staid and smoked late. But as Payton Skah saw no appearance of regard for the youth in his wife, he felt no

uneasiness. If he had seen what was passing in her mind, he would have scorned to exhibit any jealousy. He would have proved by his demeanor 'that his heart was strong.' He was destined ere long to be more enlightened on this point.

'His mother was gone with his child, on a visit to a neighboring camp, and he was left alone with his wife. It was reported that buffaloes were to be found at a little oasis in the prairie, at about the distance of a day's journey, and Chuntay Washtay desired him to go and kill one, and hang its flesh up in a tree out of the reach of the wolves. "You cannot get back to night," she said, "but you can make a fire and sleep by it, and return to-morrow. If fat cows are to be found there we will take down our lodge and move."

'The White Otter did as he was desired. His wife brought his beautiful black horse, which he had selected and stolen from a drove near the Mandan village, to the door of the lodge. He threw himself on its back, and having listened to her entreaties that he would be back soon, rode away.

'His gallant steed carried him to the place of his destination with the speed of the wind. The buffaloes were plenty, and in the space of two hours he had killed and cut up two of them. Having hung the meat upon the branches, he concluded that as he had got some hours of daylight, he would return to his wife. He applied the lash, and arrived at the camp at midnight.

'He picketed his horse carefully, and bent his way to his own lodge. All was silent within, and the dogs, scenting their master, gave no alarm. He took up a handful of dry twigs outside the door and entered. Raking open the coals in the centre of the lodge, he laid on the fuel, which presently blazed and gave a bright light. By its aid he discovered a spectacle that drove the blood from his heart into his face. There lay Chantay Washtay, fast asleep by the side of her quondam lover. Payton Skah unsheathed his knife and stood for a moment irresolute; but his better feelings prevailing, he returned it to its place in his belt, and left the lodge without awakening them. Going to another place, he laid himself down, but not to sleep.

'But when the east began to be streaked with grey, he brought his horse, his favorite steed, to the door of the tent. Just as he reached it, those within awoke, and the paramour of Chantay Washtay came forth and stood before him. He stood still. Fear of the famous hunter and renowned warrior kept him silent. Payton Skah, in a stern voice, commanded him to re-enter; and when he had obeyed followed him in. The guilty wife spoke not, but covered her face with her hands, till her husband directed her to light a fire and prepare food. She then rose and hung the earthen utensil over the fire, and the repast was soon



ready. At the command of Payton Skah she placed a wooden platter or bowl before him, and another for his unwilling guest. This last had now arrived at the conclusion that he was to die, and had screwed up his courage to meet his fate with the unshrinking fortitude of an Indian warrior. He ate, therefore, in silence, but without any sign of concern. When the repast was ended, Payton Skah produced his pipe, filled the bowl with tobacco mixed with the inner bark of the red willow, and, after smoking a few whiffs himself, gave it to the culprit. Having passed from one to the other till it was finished, the aggrieved husband ordered his wife to produce her clothing and effects, and pack them up in a bundle. This done he rose to speak.

“Another in my place,” he said to the young man, “had he detected you as I did last night, would have driven an arrow through you before you awoke. But my heart is strong, and I have hold of the heart of Chantay Washtay. You sought her before I did, and I see she would rather be your companion than mine. She is yours; and that you may be able to support her, take my horse, and my bow and arrows also. Take her and depart, and let peace be between us.”

At this speech, the wife, who had been trembling lest her nose should be cut off, and her lover, who had expected nothing less than death, recovered their assurance and left the lodge. Payton Skah remained; and while the whole band was singing his generosity, brooded over his misfortunes in sadness and silence.

Notwithstanding his boast of the firmness of his resolution, his mind was nearly unsettled by the shock. He had set his whole heart upon Tahtokah, and when the wound occasioned by his loss was healed, he had loved Chantay Washtay with all his might. He could vaunt of his indifference to any ill that woman could inflict to the warriors of his tribe, but the boast that they could have truly made, was not true coming from him.

Though one of the bravest of men, his heart was as soft as a woman's, in spite of precept and example. At this second blight of his affections, he fell into a settled melancholy, and one or two unsuccessful hunts convinced him that he was a doomed man; an object of the displeasure of God; and that he need never more look for any good fortune. A post dance, at which the performers alternately sung their exploits, brought this morbid state of feeling to a crisis. Like the rest, he recounted the deeds he had done, and declared that to expiate the involuntary offence he had committed against the Great Spirit, he would go to the Mandan village and throw away his body. All expostulation was vain; and the next morning he started on foot and alone to put his purpose in execution.

‘He travelled onward with a heavy heart, and the eighth evening found him on the bank of the Missouri, opposite the Mandan village. He swam the river, and saw the lights shine through the crevices, and heard the dogs bark at his approach. Nothing dismayed, he entered the village, and promenaded through it two or three times. He saw no man abroad, and impatient of delay, entered the principal lodge. Within he found two women, who spoke to him, but he did not answer. He drew his robe over his face, and sat down in a dark corner, intending to await the entrance of some warrior, by whose hands he might honorably die. The women addressed him repeatedly, but could not draw from him any reply. Finding him impenetrable, they took no further notice, but continued their conversation as if no one had been present. Had they known to what tribe he belonged they would have fled in terror; but they supposed him to be a Mandan. He gathered from it that the men of the village were all gone to the buffalo hunt, and would not return till morning. Most of the females were with them. Here then, was an opportunity to wreak his vengeance on the tribe such as had never before occurred, and would probably never occur again. But he refrained in spite of his Indian nature. He had not come to kill any one as on former occasions, but to lay down his own life; and he remained constant in his resolution.

‘If it be asked why the Mandans left their village in this defenceless condition, we answer, that Indian camps are frequently left in the same manner. Perhaps they relied on the broad and rapid river, to keep off any roving band of Dahcotahs that might come thither. Payton Skah sat in the lodge of his enemies till the tramp of a horse on the frozen earth, and the jingling of the little bells round his neck, announced that a warrior had returned from the hunt. Then the White Otter prepared to go to whatever lodge the Mandan might enter, and die by his arrows or tomahawk. But he had no occasion to stir. The horseman rode straight to the lodge in which he sat, dismounted, threw his bridle to a squaw, and entered. The women pointed to their silent guest, and related how unaccountably he had behaved. The new comer turned to Payton Skah and asked who and what he was. Then the Yankton, like Caius Marius within the walls of Corioli, rose, threw off his robe, and, drawing himself up with great dignity, bared his breast and spoke. “I am a man. Of that, Mandan, be assured. Nay, more: I am a Dahcotah, and my name is Payton Skah. You have heard it before. I have lost friends and kin by the arrows of your people, and well have I revenged them. See, on my head I wear ten feathers of the war-eagle. Now it is the will of the Master of life that I

should die, and to that purpose came I hither. Strike, therefore, and rid your tribe of the greatest enemy it ever had."

'Courage, among the aborigines, as charity among Christians, covereth a multitude of sins. The Mandan warrior cast on his undaunted foe a look in which respect, delight, and admiration were blended. He raised his war-club as if about to strike, but the Siou blenched not; not a nerve trembled—his eyelids did not quiver. The weapon dropped from the hand that held it. The Mandan tore open his own vestment, and said, "No, I will not kill so brave a man. But I will prove that my people are men also. I will not be outdone in generosity. Strike thou; then take my horse and fly."

'The Siou declined the offer, and insisted upon being himself the victim. The Mandan was equally pertinacious; and this singular dispute lasted till the latter at last held out his hand in token of amity. He commanded the women to prepare a feast, and the two generous foes sat down and smoked together. The brave of the Missouri accounted for speaking the Dahcotah tongue by saying that he was himself half a Siou. His mother had belonged to that tribe and so did his wife, having both been made prisoners. In the morning Payton Skah should see and converse with them. And the Yankton proffered, since it did not appear to be the will of the Great Spirit that he should die, to become the instrument to bring about a firm and lasting peace between the two nations.

'In the morning the rest of the band arrived, and were informed what visitor was in the village. The women screamed with rage and cried for revenge. The men grasped their weapons and rushed tumultuously to the lodge to obtain it. A great clamor ensued. The Mandan stood before the door, declaring that he would guarantee the rights of hospitality with his life. His resolute demeanor, as well as the bow and war club he held ready to make his words good, made the impression he desired. The Mandans recoiled, consulted, and the elders decided that Payton Skah must be carried as a prisoner to the council-lodge, there to abide the result of their deliberations.

'Payton Skah, indifferent to whatever might befall him, walked proudly to the place appointed in the midst of a guard of Mandans, and accompanied by the taunts and execrations of the squaws. The preliminary of smoking over, the consultation did not last long. His new friend related how the prisoner had entered the village, alone and unarmed, save with his knife; how he had magnanimously spared the women and children when at his mercy; and how he had offered to negotiate a peace between the two tribes. Admiration of his valor overcame the hostility of the Mandans. Their hatred vanished like snow before the



sun, and it was carried by acclamation, that he should be treated as became an Indian brave, and dismissed in safety and with honor.

‘At this stage of the proceedings a woman rushed into the lodge, broke through the circle of stern and armed warriors, and threw herself into the arms of the Dahcotah hero. It was Tahtokah, his first, his best beloved! He did not return her caresses; that would have derogated from his dignity; but he asked her how she had escaped from the general slaughter at the Des Moines, and who was her present husband.

‘She pointed to the Mandan to whom he had offered his breast. He it was, she said, who had spared her, and subsequently taken her to wife. He now advanced and proposed to Payton Skah to be come his *kodah*, or comrade, and to receive his wife back again, two propositions to which the latter gladly assented. For according to the customs of the Dahcotahs, a wife may be lent to one’s *kodah* without any impropriety.

‘The Mandans devoted five days to feasting the gallant Yank-ton. At the end of that time he departed with his recovered wife, taking with him three horses laden with robes and other gifts bestowed on him by his late enemies. His *kodah* accompanied him half way on his return, with a numerous retinue, and at parting received his promise that he would soon return. We leave our readers to imagine the joy of Tahtokah at seeing her child again on her arrival among the Sioux, as well as the satisfaction of the tribe at hearing that its best man had returned from his perilous excursion alive and unhurt. In less than two months Payton Skah was again among the Mandans with six followers, who were hospitably received and entertained. An equal number of Mandans accompanied them on their return home, where they experienced the like treatment. As the intercourse between the tribes became more frequent hostilities were discontinued, and the feelings that prompted them were in time forgotten. The peace brought about as above related has continued without interruption to this day. As to Payton Skah, he recovered his health and spirits, was successful in war and the chase, and was finally convinced that the curse of the Almighty had departed from him.

*Weenokhenchah Wandeeteekah*, or the Brave Woman, is another very agreeable story. The hero, *Toskatnay*, or the Woodpecker, is represented as a young *Dahcotah* of high pretensions on the score of intellectual and personal merit. He is rescued from an imminent danger by the courage and presence of mind of a copper-colored beauty, bearing the formidable

name just quoted, and without much previous attachment marries her out of gratitude. A well-stocked harem is, it seems, one of the principal means of political advancement among the Indians; and our Woodpecker, being of an ambitious turn, after a while espouses a second wife, of whose name we are not informed, but who is the daughter of a leading Chief, called the Heron. The two dames very naturally quarrel, and out of their differences grows the distress of the tale. We extract the conclusion, which begins with a pleasing description of the Falls of St. Anthony, on the Upper Mississippi.

‘There is nothing of the grandeur or sublimity, which the eye aches to behold at Niagara, about the falls of St. Anthony. But in wild and picturesque beauty it is perhaps unequalled. Flowing over a tract of country five hundred miles in extent, the river, here more than half a mile wide, breaks into sheets of foam and rushes to the pitch over a strongly inclined plane. The fall itself is not high, we believe only sixteen feet perpendicular, but its face is broken and irregular. Huge slabs of rock lie scattered below, in wild disorder. Some stand on their edges, leaning against the ledge from which they have been disunited. Some lie piled upon each other in the water, in inimitable confusion. A long, narrow island divides the fall nearly in the middle. Its eastern side is not perpendicular, but broken into three distinct leaps, below which the twisting and twirling eddies threaten destruction to any living thing that enters them. On the western side, in the boiling rapids below, a few rods from the fall, stands a little island, of a few yards area; rising steep from the waters, and covered with forest trees. At the time of our story, its mightiest oak was the haunt of a solitary bald eagle, that had built his eyrie on the topmost branches, beyond the reach of man. It was occupied by his posterity till the year eighteen hundred and twenty-three, when the time-honored crest of the vegetable monarch bowed and gave way before the northern tempest. The little islet was believed inaccessible, till two daring privates of the fifth regiment, at very low water, waded out in the river above, and ascending the fall by means of the blocks of stone before mentioned, forded the intervening space, and were the first of their species that ever set foot upon it.

‘Large trunks of trees frequently drift over, and diving into the chasms of the rocks, never appear again. The loon, or great northern diver, is also, at moulting time, when he is unable to rise from the water, often caught in the rapids. When he finds himself drawn in, he struggles with fate for a while, but finding escape impossible, he faces downwards and goes over, screaming

horribly. These birds sometimes make the descent unhurt. Below, the rapids foam and roar and tumble for half a mile, and then subside into the clear, gentle current that continues unbroken to the Rock River Rapids; and at high water to the Gulf of Mexico. Here too, the high bluffs which enclose the Mississippi commence. Such was the scene at the time of this authentic history, but now it is mended or marred, according to the taste of the spectator, by the works of the sons of Adam. It can shew its buildings, its saw-mill, its grist-mill, its cattle, and its cultivated fields. Nor is it unadorned with traditional honors. A Siou can tell you how the enemy in the darkness of midnight, deceived by the false beacons lighted by his ancestors, paddled his canoe into the rapids, from which he never issued alive. He can give a good guess too, what ghosts haunt the spot, and what spirits abide there.

‘To return to our story: Toskatnay and his band passed the falls and raised their lodges a few rods above the rapids. It so happened that evening, that a violent quarrel arose between the two wives, which the presence of some of the elders only, prevented from ending in cuffing and scratching. When the master of the lodge returned, he rebuked them both, but the weight of his anger fell on Weenokhenchah Wandeeteekah, though in fact, the dispute had been fastened on her by the other. She replied nothing to his reproaches, but his words sunk deep into her bosom, for he had spoken scornfully of her, saying that no Siou had so pitiful a wife as himself. She sobbed herself to sleep, and when the word was given in the morning to strike the tents, she was the first to rise and set about it.

‘While the business of embarkation was going on, it so chanced that the child of the poor woman crawled in the way of her rival, and received a severe kick from her. This was too much for the mother. Vociferating such terms as are current only at Billingsgate and in Indian camps, for squaws are not remarkable for delicacy of expression, she fastened upon the Heron’s daughter tooth and nail, who was not slow to return the compliment. Luckily their knives were wrested from them by the by-standers, or one or both would have been killed on the spot. This done, the men laughed and the women screamed, but none offered to part them, till Toskatnay, who was busy at the other end of the camp, patching a birch canoe, heard the noise, and came and separated them by main force. He was highly indignant at an occurrence that must bring ridicule upon him. The Heron’s daughter he reproved, but Weenokhenchah Wandeeteekah he struck with his paddle repeatedly, and threatened to put her away. This filled the cup of her misery to overflowing: she looked at him indignantlly and said, “You shall



never reproach me again." She took up her child and moved away, but he, thinking it no more than an ordinary fit of sullenness, paid no attention to her motions.

'His unkindness at this time had the effect of confirming a project that she had long revolved in her mind, and she hastened to put it in execution. She embarked in a canoe with her child, and pushing from the shore, entered the rapids before she was perceived. When she was seen, both men and women, among whom her husband was the most earnest, followed her on the shore, entreating her to land ere it was too late. The river was high, so that it was impossible to intercept her, yet Toskatnay, finding his entreaties of no avail, would have thrown himself into the water to reach the canoe, had he not been withheld by his followers. Had this demonstration of interest occurred the day before, it is possible that her purpose would have been forgotten. As it was, she shook her open hand at him in scorn, and held up his child for him to gaze at. She then began to sing, and her song ran thus.

"A cloud has come over me. My joys are turned to grief. Life has become a burden too heavy to bear, and it only remains to die.

"The Great Spirit calls, I hear his voice in the roaring waters. Soon, soon, shall they close over my head, and my song shall be heard no more.

"Turn thine eyes hither, proud chief. Thou art brave in battle, and all are silent when thou speakest in council. Thou hast met death, and hast not been afraid.

"Thou hast braved the knife, and the axe; and the shaft of the enemy has passed harmless by thee.

"Thou hast seen the warrior fall. Thou hast heard him speak bitter words with his last breath.

"But hast thou ever seen him dare more than a woman is about to do?

"Many speak of thy deeds. Old and young echo thy praises. Thou art the star the young men look upon, and thy name shall be long heard in the land.

"But when men tell of thy exploits, they shall say, 'He slew his wife also!' Shame shall attend thy memory.

"I slew the ravenous beast that was about to destroy thee. I planted thy corn, and made thee garments and moccasins.

"When thou wast an hungred, I gave thee to eat, and when thou wast athirst, I brought thee cold water. I brought thee a son also, and I never disobeyed thy commands.

"And this is my reward! Thou hast laughed at me. Thou hast given me bitter words, and struck me heavy blows.

“Thou hast preferred another before me, and thou hast driven me to wish for the approach of death, as for the coming winter.

“My child, my child! Life is a scene of sorrow. I had not the love of a mother, did I not snatch thee from the woes thou must endure.

“Adorn thy wife with ornaments of white metal, Toskatnay. Hang beads about her neck. Be kind to her, and see if she will ever be to thee as I.”

‘So saying, or rather singing, she went over the fall with her child, and they were seen no more.

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‘One year precisely from this time, Toskatnay followed the track of a bear which he had wounded, to the brink of the falls. He halted opposite the spot where Weenokhenchah Wandeteekah had disappeared, and gazed on the foaming rapid. What was passing in his mind it is impossible to say. He had reached the summit of his ambition. He was acknowledged a chief, and he had triumphed over the Beaver and the Chippeways. But she for whose sake he had spurned the sweetest flowers of life, true love and fond fidelity, had proved faithless to him, and fled to the Missouri with another man. He had nothing farther to look for, no higher eminence to attain, and his reflections were like those of him who wept because he had no more worlds to conquer. A strange occurrence roused him from his reverie. A snow-white doe, followed by a fawn of the same color, came suddenly within the sphere of his vision; so suddenly, that they seemed to him to come out of the water. Such a sight had never before been seen by any of his tribe. He stood rooted to the ground. He who had never feared the face of man, trembled like an aspen with superstitious terror. The animals, regardless of his presence, advanced slowly towards him and passed so near that he might have touched them with his gun. They ascended the bank and he lost sight of them. When they were fairly out of sight, he recovered from the shock, and stretching out his arms after them, conjured them to return. Finding his adjurations vain, he rushed up the bank, but could see nothing of them, which was the more remarkable as the prairie had just been burned over, and for a mile there was no wood or inequality in the ground, that could have concealed a much smaller animal than a deer.

‘He returned to his lodge, made a solemn feast, at which his relatives were assembled, and sung his death-song. He told his wondering auditors that he had received a warning to prepare for his final change. He had seen the spirits of his wife and child. No one presumed to contradict his opinion. Whether founded in reason or not, it proved true in point of fact. Three

weeks after, the camp was attacked by the Chippeways. They were repulsed, but Toskatnay, and he only, was killed.

'No stone tells where he lies, nor can any of the Dahcotahs shew the spot. His deeds are forgotten, or at best, faintly remembered; thus showing "on what foundation stands the warrior's pride;" but his wife still lives in the memory of her people, who speak of her by the name of Weenokhenchah Wandeteekah, or the Brave Woman.'

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ART. X.—*The Philosophy of the Active and Moral Powers of Man.* By Dugald Stewart. 2 vols. 8vo. Edinburgh. 1828.

The name of Dugald Stewart is one of the few, which, of late years, serve to relieve in part the character of the mother country from the charge of a comparative neglect of the great sciences of intellectual and moral philosophy. His writings upon these all-important subjects, if not the most powerful, are perhaps the most engaging in form, and consequently the most attractive to the general reader, in the language. In the works of the late Dr. Parr, we find a complimentary note addressed to Stewart, in which he is described as superior, for the union of fine taste and deep thought, to all other writers since the time of Bacon. This eulogy partakes of the exaggeration, which habitually marked the manner of the great Hellenist. Various writers, posterior to Bacon, might be mentioned, who combined with at least an equal command of language a higher power of original thinking, as, for instance, Shaftsbury, Berkeley, Hume, Burke, and Adam Smith. But none of these or of the others, who might fairly be considered as belonging to this class, with the exception perhaps of Hume, have pretended to give us a complete body of intellectual and moral science; and the remark of Parr, if considered as limited to such as have done this, might be received as substantially true. Locke, with a much superior power of thought, and with a plain, manly, and substantially good style, wants taste and elegance, and is undoubtedly, on the whole, much less attractive. Hume was perhaps superior in taste as well as natural acuteness and sagacity to Stewart; but such were the strange aberrations of his intellect, when applied to the study of metaphysics and morals,



that his works on these subjects have little or no value, excepting as curious indications of the progress of learning, and of its state at a particular period. Reid, the founder of the Edinburgh school, was deficient in the graces of manner, which belonged to his pupil, who is, therefore, on the whole, at present, and will probably long remain, among English authors, the most popular professor of moral science.

The praise of exhibiting, with taste and elegance, the results of a somewhat limited power of thinking, may perhaps appear, at first view, to be not very high ; but when we look through the history of learning, and remark with what economy intellectual gifts of the highest order have been always imparted to our race, we shall not be disposed to consider it as too scanty. To strike out new and entirely original ideas on abstract subjects, implies an intense exercise of thought, which may almost be supposed to preclude the cultivation of the arts and graces that belong to manner. Nor is it, in fact, in the communication of these original thoughts, as they first present themselves, in their native simplicity, to the mind of the discoverer, that the graces of manner can be displayed to the greatest advantage. It is chiefly in the illustration, application, and development of the great discoveries which enlarge the sphere of science, that we recognise the peculiar province of the powerful and elegant philosophical writer. Without possessing the vigor and persevering activity of mind required for actual invention, he is able, by his somewhat limited power, to comprehend the results of a higher one, and spread them out in pleasing forms before the eye of the common observer. And it often happens that in so doing he appropriates to himself a glory, which belongs much more properly to the inventor. In fact, the praise we allow to Stewart is the same which is usually given to the greatest philosophical writers of ancient and modern times. Aristotle, Xenophon, Plato, and Cicero built up their elegant productions in a great measure out of the materials supplied by the original mind of Socrates, who himself wrote nothing. Aristotle, the most powerful and original thinker among them, is also the one who excels least as a writer. He is dry, hard, and often obscure. He evidently neglected and despised the graces of style. It is true that Cicero, with the generous prodigality of praise, which he was always ready to extend to merit in others, as well as in himself, describes the writings of the Stagyrte as a *river of*

*flowing gold*. But he probably intended to allude to the continued richness and solidity of the substance rather than to any supposed brilliancy or beauty of form, which they certainly do not possess. In Xenophon, Plato, and himself, the power of original thought is evidently secondary to that of language. By comparing the works of the two former, and even by mere internal evidence, we can easily perceive where Plato follows in the track of his master, and where he strikes out a new one for himself. In the former case he is natural, simple, powerful, and true; in the latter, very often feeble, visionary, and false: as, for instance, in the *Republic*, the most unnatural, incoherent, and even inhuman plan of a political society that was ever devised, and one which offers a singular contrast in every line with the good sense, sagacity, and gentleness of Socrates, the Franklin of the ancient world. Cicero never fails in this way because he makes no pretensions to the invention of an original system. He brings into view, in his charming dialogues, a group of sages and statesmen, appertaining respectively to the different prevailing sects of philosophy, and makes them detail in turn their peculiar views, always in his own graceful and splendid diction, which is in fact the river of flowing gold, that he has so incorrectly, if we suppose him to allude to style, described that of Aristotle to be;—exhibits a leaning to one side or the other, but seldom or never starts any new theories of his own. Such, in substance, although his works want the dramatic form, and are in other respects less highly colored and poetical, is the manner of Stewart. He also generally gives us, upon every important topic which he treats, an exposition, in his lucid and brilliant language, of the opinions of the principal writers; weighs the arguments in favor of their respective theories; inclines perhaps to one or the other, but generally leaves it to the reader to decide, and rarely, if ever, adds an entirely original suggestion. In giving this description of the character of his genius, it is by no means our intention to depreciate the value of his works. We have, on the contrary, expressly classed him with some of the most illustrious names in the history of learning. We have said that he breathes the same inspiration with the divine Plato, and that his academic gown was of like texture with the 'radiant robes of immortal Tully.' This is praise enough to satisfy any moderate and well-regulated ambition. Nor, although we think, as we have said, that in him and them the powers of

imagination and expression predominate over that of close and vigorous thought,—that they were, in a word, poets rather than philosophers,—do we intend to intimate that the faculty of thought was wholly wanting, or present in their minds in a very low degree. To comprehend, enter into, appropriate and refine upon the inventions of creative genius, implies an intellectual power second only to that of creative genius itself; and when this is combined with a faculty of happy and luminous expression, it forms the combination of talents which is best fitted to produce effect upon the public mind, and procure for its possessor every sort of compensation and distinction, excepting perhaps the barren laurel of remote and posthumous glory,

—— ‘that fancied life in others’ breath,  
The estate that wits inherit after death.’

The distinguishing characteristics of the talent and manner of Stewart being thus, as we have described them, of a nature to give his works a great popularity, and to enable him to exercise an extensive influence upon public opinion, it is not less fortunate for the world, than creditable to himself, that they are inspired throughout by the purest and most amiable moral feelings. We are acquainted with no philosophical writings in any language which leave upon the mind a happier impression. The principles which he sets forth upon the most important points in the theory of ethics are, in our opinion, far from being in all cases true, as we shall presently have occasion to show; but the tone of sentiment is uniformly pure; and as it is this which determines the general effect of the whole upon the opinions and feelings of the mass of readers, it follows of course that this effect is uniformly good. This amiable writer has in fact breathed into all his works the kind, gentle, social, and benevolent spirit by which he was himself animated. He not only teaches us to believe in virtue, but brings the celestial vision before us in full loveliness and beauty, so as to engage our affections in her favor. He adopts and defends all the liberal and philanthropic notions that have ever been advanced by the lovers of mankind, while he avoids at the same time the excesses by which injudicious partisans have so often brought, and are still bringing, the best of causes into contempt and ridicule. He is pious without fanaticism,—cheerful and benevolent without an approach to licentiousness. He is devotedly attached to liberty without deeming it neces-



sary to renounce his respect for social order and good government. He believes in the practicability of improvement without indulging in the idle dream of an earthly millennium. It had happened by a sort of fatality that almost all the works on moral philosophy, at least in modern times, which were written in an agreeable and attractive style, had inculcated principles not only false in themselves, but completely subversive of the good order of society. Helvetius, and the other French sophists of the eighteenth century, had presented their detestable doctrines in the dress of the sweetest and most seductive language, and had introduced it by this means into the brilliant saloons of fashion and even the boudoirs of the ladies. Hume, in like manner, had disguised his still more fatal, because more subtle poison, under one of the most chaste, correct, and elegant forms, that the English language has ever assumed. Even Darwin, and the other writers of the British materialist school of *vibrations* and *vibratiuncles*, the most pitiful and contemptible, perhaps, that has yet appeared in the philosophical world, tricked themselves out in a gaudy and fantastic sort of masquerade habit, which was singularly enough mistaken at the time for something highly graceful and attractive. Paley, a dignitary of the church, had lent the charm of a lucid and pleasing exposition, as well as the authority of his calling and the cloak of religion, to a system of absolute selfishness. In the meantime, the better opinions, if advanced at all, had been maintained, in a dry and heartless manner, in treatises for the most part devoid alike of depth and elegance. Under these circumstances we regard it as a singularly fortunate thing that a writer should have appeared, who, adopting a system of intellectual and moral philosophy in the main judicious, free from danger even in its errors, and inspired by a uniformly pure, amiable, and elevated moral feeling, should have been able at the same time to interest the world and give his notions a general popularity by the beauty of his language. The works of such a writer were absolutely necessary to prepare the way for that complete reformation of the theory of moral science which is so much needed. They want, it is true, the strong originality of thought, the rigorous correctness of reasoning, the nervous precision of language, which would be required for effecting this great object, but they possess the qualities that were proper for bringing about a favorable change in the state of public sentiment on these momentous subjects. They

are like the voice of one crying in the wilderness. They prepare the way for the coming of a still greater teacher, and collect an audience previously well disposed to listen to and profit by his instructions. At the same time, by creating a general interest in favor of the science and thus leading many persons to study it with correct prepossessions, they tend to produce the reformer whose success they prepare and facilitate. Such are the great services which the writings of Stewart have rendered and are rendering to the cause of truth and virtue. They are sufficient to entitle him forever to the respect and gratitude of all good men.

We shall probably be favored at no distant period with a collection of the works of Stewart accompanied by a full biography, which will afford us a more suitable occasion for entering into a general examination of his literary and philosophical character. We shall confine ourselves chiefly at present to an analysis of the work immediately before us; but it may not be an improper introduction to the remarks we shall offer on that subject to notice very briefly the author's preceding publications.

Mr. Stewart's original intention, in coming before the world as a writer, appears to have been to publish successively complete treatises on Metaphysics, or, as he preferred to say, the Philosophy of the Mind, on Ethics and on Politics, founded probably on the courses of lectures, which, in his capacity of professor, he delivered to his pupils upon these subjects. This intention is announced in the preface to the first volume of the *Elements of the Philosophy of the Mind*; but seems to have been completely executed only in reference to that particular branch. The notes, which formed the text-book of the ethical course, were published as early as the year 1793, under the title of *Outlines of Moral Philosophy*, but without much development; and the work now before us, which is another edition of the same matter in a more enlarged form, appears nevertheless to be the result of a less thorough and careful revision than that which had been given to the metaphysical course for the purpose of forming the *Philosophy of the Mind*. The lectures on Government have not appeared in any form, and if they come out at all, it can only be under the great disadvantages attending a posthumous publication. We regret this circumstance the more, because we think that since the appearance of the great work of Locke, standard treatises on ethics and on

politics are much more wanted in our language than one on metaphysics. A volume of *Philosophical Essays*, and the *Dissertations on the History of Moral Philosophy*, prefixed to the volumes of the Edinburgh Encyclopædia, complete the list of our author's publications. He is, therefore, one of the least voluminous, although he may perhaps be fairly regarded as, on the whole, the most eminent and valuable writer of his time. His example seems to corroborate the wholesome truth, already demonstrated by a hundred others, that a writer gains much more, even on the score of mere reputation, by maturing his works, than by hurrying constantly to press, in the vain expectation of securing the public attention by keeping his name forever in the newspapers.

The work on the *Philosophy of the Mind* is undoubtedly the most elaborate and finished of our author's productions—the one by which he has been hitherto best known, and which will probably contribute, more than any of, or all the rest, to his future reputation. It is much the most popular and elegant treatise on the subject in the English language, and has conveyed instruction and rational entertainment to whole classes of readers, who would never have thought of advancing beyond the first pages of Locke. When examined simply with reference to principles, and as an exposition of the theory of the science, it is doubtless far from being thorough or completely satisfactory. The Edinburgh school of Intellectual and Moral Philosophy, of which Reid was the founder, and Stewart one of the principal ornaments, arose, as is well known, about the middle of the last century, in consequence of the reaction of public opinion against the sceptical systems, which had previously obtained a temporary vogue. In a late article on Intellectual Philosophy we briefly stated the leading principles of this school, as well as those of the Transcendental, or Critical Philosophy, which grew up in Germany, under the operation of the same causes, at about the same time. The great object of the founders and partisans of both was to refute the arguments by which the sceptics, reasoning on the principles of Locke, attacked the commonly received opinions in religion and morals; and the method of defence, which they adopted, was the one that is called in the common-law forms of pleading, a confession and justification. They admitted the correctness of the reasoning of the sceptics, but undertook to show, on other grounds, that the conclusions they drew from it



could not be true. They gave up Locke to his adversaries, in the persuasion that they had found better arguments than his, in favor of the principles which he and they alike desired to support. The Scotch, by an appeal to common sense, and the Germans, by what they considered a more profound analysis of the intellect, conceived that they had given to the great and salutary truths of religion a much higher degree of certainty than they could derive from the doctrines of the *Essay on the Human Understanding*. We have already stated in a concise way on the occasion just alluded to, our opinion of the value of these discoveries in metaphysics, and it is not our present purpose to enter more fully into the discussion. We are for ourselves, as we then remarked, fully satisfied with those parts of the theory of Locke, which the Scotch and Germans thought it necessary to abandon; and we do not conceive that they lead to the irreligious and immoral conclusions which the sceptics drew from them. We are also of opinion that the ground taken by the partisans of the new schools was not in either case tenable; and confining ourselves for the present entirely to the Scotch, that an appeal to common sense in proof of any abstract principle, instead of serving as a foundation for a new philosophical system, is a tacit admission that philosophy is at fault. It is only saying in a rather more formal way, that although beaten in the argument, we are convinced against our will, and remain of the same opinion.

Considered as an attempt to reconstruct the whole edifice on a new and more solid basis than that of Locke, the Scotch Philosophy, including that of Stewart, must undoubtedly be regarded as a failure. The value of the writings of our author is not, however, so much affected by the essential vice in the reasoning of his master, as might have been expected. A very small portion of his works is devoted to the examination of leading principles, his main object being to explain and illustrate the operations of the several intellectual powers. The reality of these is admitted by all, however different may be their theories respecting the nature of the mind, and the origin of knowledge; nor is there much dispute about the modes of their operation, as far as this can be ascertained at all and lies within the scope of human knowledge. In treating this subject, it was therefore only necessary to state facts that were generally known, or open to an easy and familiar observation, in a perspicuous and agreeable way; and a task of this kind was

very well suited to the character of Stewart, who possessed in a high degree the talent of easy exposition and happy illustration. This work presents accordingly a distinctly-drawn and highly-colored picture of the region of intellect, adorned and diversified throughout with embellishments borrowed from the kindred domains of taste and moral philosophy. It is in fact the great charm of these productions, that they are not a mere dry developement of abstract principles, but free, flowing, learned, and elegant discourses on the facts and feelings, that make up the curious tissue of many-colored life.

Of the two volumes, the former is, we think, by far the most interesting, and we consider it in fact as the only one of his works, with the exception of the Philosophical Essays, which exhibits the author's talent in all its freshness and activity. Twenty years elapsed between the publication of the two volumes of the Philosophy of the Mind, and it is not unnatural to suppose that during this long period, and at the advanced age which he had attained before he began to publish, his faculties should have lost something of their elasticity. The trains of thought that occupy the first volume, are also those on which he most delighted to dwell, and which he was best fitted to follow out, and illustrate. After hurrying somewhat rapidly over the chapter on Perception, and the dark and deep problem of the origin of knowledge, which he hardly professes to have probed to the bottom, and in regard to which the philosophy of his school, as we have just had occasion to remark, is essentially defective and erroneous, he soon arrives in the flowery regions of Imagination and Memory, where he finds himself entirely at home, and evidently wantons in the full consciousness of the power of communicating pleasure as well as instruction. Illustrations poetical, historical, and philosophical, crowd from under his pen, and spread themselves out over his pages, with a fullness and brilliancy, that form a singular contrast to the simple conciseness of the earlier chapters. The second volume, which is wholly occupied by an examination of the faculty of *Judgment* or *Reason*, brings him back again to the colder regions of abstract elementary principles; and here, as if on purpose to heighten the natural dryness of his subject, he has drawn his illustrations principally from the still more abstract science of pure mathematics, with which he seems to be rather fond of showing his acquaintance. It was his original intention, as expressed in the preface to the first volume, to com-

press the remarks on the faculty of Judgment into a few chapters; and we rather regret that he did not complete the work on this plan. In treating this branch of the subject, the essential defects of the Scotch philosophy are necessarily brought into view, and the more it is dwelt upon, the more obvious and visible do they become. The author no longer exhibits his former facility and freedom, and seems to labor under a feeling that there is some defect in his theory, without knowing exactly what it is, or where to find a remedy for it. He moves on from chapter to chapter, and from topic to topic, with a slow and embarrassed march, without appearing to have at any time a perfectly distinct notion of the principles he wishes to establish, and of course without imparting to the mind of the reader the conviction which he does not himself feel. We miss at once the easy lightness of style, which belonged to the other volume, and the masculine firmness and vigor of thought, which should have been the characteristics of this. In the hope of giving to his theories the precision which he seems to feel that they want, he is fond—as we remarked above—of recurring to illustrations drawn from pure mathematics. He probably entertained an indistinct notion, which has served as the basis to many extensive treatises on moral philosophy, that by applying to moral truths the language and form of mathematical demonstrations, he could give them the same sort of certainty which belongs to that science. This was the theory of Wolff, Doddridge, and various other well-meaning writers. Hutcheson has undertaken to express under the form of algebraic equations, the various degrees of moral value, that belong to different actions according to the various motives and circumstances under which they are performed. The principle is obviously completely visionary in the abstract, and when applied to practice leads to incongruities that border on the ludicrous. Stewart has by no means adopted it to any thing like the same extent as the writers to whom we have just alluded; and has even noticed with just disapprobation this feature in their works. When he appeals to mathematics, it is merely for the purpose of illustration, but still, as it seems, with a persuasion that he was giving his principles a sort of mathematical certainty. The error is the same with that of Wolff and Hutcheson in a milder form. Considered as mere illustrations, mathematical forms and methods are plainly the last that should be employed to relieve the dryness of purely abstract



moral reasoning, since they can only increase the very evil they were intended to remedy. On the whole, although particular passages of the second volume may be read with great pleasure and instruction, the general impression which it leaves upon the mind is confused and incomplete. The author repeatedly refers us to his own future publications for further explanations on some of the most interesting topics that come up in the course of the inquiry; and when we lay aside the volume, we do it with a feeling that we have received a good many valuable hints, but that we must inquire more of the author himself, and of others, before we can have a settled opinion upon the subject he has undertaken to treat. In the preface to the second volume, he speaks of a third, which he intended to publish, and of which the materials were then in a great measure prepared. The principal subjects allotted to it are, as he himself states—*Language—Imitation—the Varieties of Intellectual Character, and the Faculties by which Men are distinguished from the Lower Animals*. This volume was to have completed the work. Of these materials none, as far as we are informed, have yet been published; but we venture to hope, that they will not be lost to the world. The subjects are of the class which Stewart was able to treat with the greatest advantage and success, and he would have had opportunity in discussing them to exhibit the same fertility of fancy and elegance of language, that distinguish his first productions. We trust that the essays in question, if at all in a finished state—as they apparently must be—will be published by the friends of the author in the collection of his posthumous writings.

The *Philosophical Essays* and the *Dissertations on the History of Philosophy*, are among the most agreeable and valuable of our author's writings. It would carry us too far from our immediate object to pretend to comment upon the various subjects, which are rapidly touched upon in these works. It is much to be regretted that Stewart did not live to complete the plan of the *Dissertations*. Without, perhaps, fully realising the idea of a perfect History of Philosophy, they might, in that case, have justly been considered as the most remarkable essay towards a work of this kind, to be found in any language. The learning, displayed by our author in these *Dissertations* and in his other writings, is extensive, and as far as it goes, uniformly thorough and exact. He is familiar in particular with classical and French literature. He attaches, we

think, rather too much importance to some continental writers of an inferior order, such as Buffier and Boscovich, who, judging from the effect of their works, can have had little or no real power, since they have made little or no impression on the feelings or opinions of the world. They were monks, who wrote in monkish Latin to beguile the tedium of the cloisters, and their fame has not yet extended, and probably never will extend much farther. The most remarkable deficiency in the erudition of Stewart is the want of an acquaintance with the language and philosophy of Germany. Germany is the country in which metaphysical and moral philosophy have been cultivated within the last half century with the greatest assiduity. The whole mass of ancient and modern learning connected with these subjects has there been explored, drawn out from its hiding-places in dusty libraries, and worm-eaten manuscripts, brought into view, examined, criticised, appreciated and employed. New systems and theories have been struck out, received with enthusiasm, controverted, established or abandoned, as the current of opinion happened to set. In short, there has been among the Germans a remarkably active movement in the cultivation of this branch of science: and if the success of their labors have not fully corresponded in the last result to the extent and vigor of their exertions, it is still highly important—we may say, absolutely necessary—for students in the same science in other parts of the world, and especially for the historian of philosophy, to know exactly the amount and value of what they have done. Mr. Stewart, from his want of acquaintance with the German language, in which almost all the works that have appeared within the period alluded to, are written, had no means of gaining information on the subject excepting from obscure and imperfect Latin translations of a few leading writers, and some other sources of a purely secondary and subsidiary class. He looks for example to Madame de Staël's *Allemagne* as an authority. The want of familiarity with the German philosophy was in his case the more to be regretted, inasmuch as that doctrine is founded substantially on the same principles with the one professed by himself, and may be viewed as another exposition of the same common creed. In Germany, however, the common creed has been expounded, illustrated, and pursued into its consequences, real or supposed, to a much greater extent than in Scotland, so that a disciple of Reid, when he

studies the philosophy of Germany, is examining his own principles, as it were through a magnifying glass, and, of course, with great advantages for rectifying his views upon every point connected with the subject. It is easy to perceive in the works of some of the contemporary French philosophers—particularly Cousin—the great advantages resulting from a diligent cultivation of German literature. But while we indicate this deficiency in the learning of Stewart, it is not our intention to impute much blame to him for it. He was already advanced in life, and involved in urgent engagements, when the philosophy of the Germans first began to attract notice in other parts of Europe. It was, probably, impossible for him, under these circumstances, to dispose of the time and labor that would have been required for a thorough investigation of the subject, and he was obliged to content himself with such imperfect notions of it as he could obtain in a different way. The result has been a distaste for, and perhaps a partially unjust appreciation of the Germans, together with a less thorough understanding of the real character of the principles of his own school, than he would probably have had if he had probed theirs to the bottom.

It is time, however, to come to the work more immediately before us. This is entitled *The Philosophy of the Active and Moral Powers of Man*, and is, of course, nothing less in purpose and design than a complete treatise on the great subject of *Ethical Science*. A standard work of this description is undoubtedly one of the principal *desiderata* in the literature of our language and of modern Europe. The work of Paley, which, for want of a better, has obtained a pretty extensive circulation both in England and in this country, though respectable in form and manner, is an exposition of an essentially false and immoral system, and of course leaves the field entirely open for another written on correct principles. Few persons could be found better fitted than Stewart by the popularity of his style, and the warmth and benevolence of his feelings, to produce a work that should arrest the public attention; and supposing it to possess the substantial qualities necessary for that purpose, should be received as the text-book of the science. We regret to say, that the one before us, though valuable and instructive when considered as an essay, does not appear to us to be of a nature to supply the deficiency to which we have alluded. It contains no new princi-



ples, nor is it sufficiently elaborate and complete to be viewed as a better statement of any theory that had been previously advanced by any other writer. The author hardly seems in fact to possess any settled ideas on the most important points in the science. In treating them, he appears to waver between different opinions, cites a variety of names and books, introduces many qualifications and conditions, and, finally, leaves it in a great measure uncertain what his own views are. The tone of feeling is so correct and amiable, and the style in general so attractive, that the work will be perused with great delight and profit by the general reader; but it will have, we think, little or no effect in fixing principles, or reforming the state of the science.

In the opening chapter of the work, the author states the distinction between the powers that belong to man on the one hand as an intellectual being, and on the other as an active and moral one; and then classes the latter, which form his immediate subject, under the two heads of *Instinctive* or *Animal* and *Rational* or *Governing* principles of action. To the former belong our *Appetites*, *Desires*, and *Affections*; to the latter, *Self-love*, and the *Moral Faculty*. The two first books are devoted respectively to the consideration of these two classes of powers or principles, under their respective subdivisions. The *Animal* or *Instinctive* principles are treated somewhat less fully than the *Rational*—it being, as the author himself remarks, the principal object of the volume to illustrate the nature of the *Moral Faculty*. In the third book, he takes up his general subject under a new point of view, and proposes to consider our practical duties under the common division of those which have for their object respectively the Deity, our fellow-men and ourselves. In treating the first of these classes of duties, he enters on a demonstration of the existence of God, which is by far the most elaborate portion of the work, and is indeed the only one which is finished with much fulness and care. It is worthy of remark, however, that this discussion is wholly foreign to the subject on the system of Stewart, who attempts to establish the theory of morals—as we shall presently show—on grounds entirely independent of religion. This inquiry occupies the whole of the third book. In the fourth, the author treats of the duties we owe to our fellow-creatures and ourselves, and finally, in the fifth and last he enters, somewhat late in the day, as it seems to us, on the

question of the nature of *Virtue*, which he discusses in a few short chapters, or rather sentences, forming, in our opinion, by far the most unsatisfactory part of the work. The appendix contains, with one or two other less important tracts, a copious and elaborate, though not very powerful essay on the controverted question of the *Free Agency of Man*. Such is the general outline of the contents of the two volumes.

The phraseology employed by our author in the classification and arrangement of his materials, which is borrowed with variations from that of Reid, is not particularly happy. By the *Active Powers of Man*, he means the principles or elements of our nature, which determine our actions; but there seems to be a pretty obvious departure from the natural and ordinary use of words, when we call *Hunger*, for example, or *Friendship*, an *Active Power*. *Active Principles*, which the author occasionally employs as a synonymous expression, is a more correct one; but even in this there is a departure from the usual application of the epithet *active*. The arrangement of these principles into the five classes mentioned above, is admitted by our author himself to be of no great importance. 'If I had been disposed,' says he, in a note upon the first chapter, 'to examine this part of our constitution with all the minute accuracy of which it is susceptible, I should have preferred an arrangement different both from that which I have adopted, and from that proposed by Dr. Reid.' He then proceeds to give the heads of this other arrangement, by which the active principles of our nature are divided into the two classes of *Original* and *Acquired*, and the former of these again into the sub-divisions of *Animal* and *Rational*. Whether the phrase *Acquired Principles* be not inconsistent in its terms, and the thing intended by it impossible in nature, is a question, which we need not stop to discuss. The author concludes the note by remarking, that for any of the purposes, which he has in view, it is useless to attempt so comprehensive and detailed an examination of the subject as the one to which he has alluded, and that he shall confine himself to the general enumeration given in the work. It is plain, therefore, that he does not regard the latter as a perfect one. The most simple and obvious arrangement of the principles of our nature, considered as furnishing motives of conduct,—the point of view under which they are regarded in morals,—is into the two classes of *Selfish* and *Social Principles*, to which must be added,

for those who believe in the reality of a distinct and separate power or sense, by which we recognise the moral qualities of actions, the *Moral Faculty*.

The *Appetites*, *Desires*, and *Affections*, which form the subject of the first book, are treated respectively under several sub-divisions, which are not, we think, made in every instance with remarkable correctness. Thus we find classed under the second head, as separate desires, the *Desire of Power*, and the *Desire of Superiority*; which, if not identical, border too nearly on each other to be regarded as distinct principles in our original constitution. It would be superfluous, however, to examine very minutely a classification, which the author himself admits to be loose and unsatisfactory to his own mind. The chapters on the affections are beautifully written, and are filled with generous and amiable sentiments. On *Love*, the most prominent and remarkable of the number, there is, however, no distinct essay. Our fair readers will be struck with consternation at such an omission, and will naturally inquire, with the Last Minstrel in the Lay of our author's illustrious countryman,

How could he to the dearest theme,  
That ever warmed a minstrel's dream,  
So foul, so false, so recreant prove?

Mr. Stewart would perhaps have replied, that the theme was better suited to minstrels than philosophers. He disports himself with freedom and apparent satisfaction in the cooler regions of *Friendship* and *Patriotism*. We extract the chapter on the former subject, as an agreeable specimen of his manner in this part of the work. In the few observations which he makes upon the character of the *Instinctive Principles* of our nature, considered as motives to action, he distinctly states, that he does not regard even the *Benevolent* affections as *Virtuous*. This opinion is in accordance with his general theory, which we shall examine hereafter. In the mean time, we cannot but express our wonder, that his own excellent feelings should not have secured him against an error, so repulsive in itself, and so plainly reprobated by the common sense of the world.

‘Friendship, like all other benevolent affections, includes two things; an agreeable feeling, and a desire of happiness to its object.



‘ Besides, however, the agreeable feelings common to all the exertions of benevolence, there are some peculiar to friendship. I before took notice of the pleasure we derive from communicating our thoughts and our feelings to others; but this communication, prudence and propriety restrain us from making to strangers; and hence the satisfaction we enjoy in the society of one, to whom we can communicate every circumstance in our situation, and can trust every secret of our heart.

‘ There is also a wonderful pleasure arising from the sympathy of our fellow-creatures with our joys and with our sorrows, nay, even with our tastes and our humors; but, in the ordinary commerce of the world, we are often disappointed in our expectation of this enjoyment; a disappointment which is peculiarly incident to men of genius and sensibility, superior to the common, who frequently feel themselves “alone in the midst of the crowd,” and reduced to the necessity of accommodating their own temper, and their own feelings, to a standard borrowed from those whom they cannot help thinking undeserving of such a sacrifice.

‘ It is only in the society of a friend, that this sympathy is at all times to be found; and the pleasing reflection, that we have it in our power to command so exquisite a gratification, constitutes, perhaps, the principal charm of this connexion. “What we call affection,” says Mr. Smith, “is nothing but a habitual sympathy.” I will not go quite so far as to adopt this proposition in all its latitude, but I perfectly agree with this profound and amiable moralist in thinking, that the experience of this sympathy is the chief foundation of friendship, and one of the principal sources of the pleasures which it yields. Nor is it at all inconsistent with this observation to remark, that, where the groundwork of two characters in point of moral worth is the same, there is sometimes a contrast in the secondary qualities of taste, of intellectual accomplishments, and even of animal spirits, which, instead of presenting obstacles to friendship, has a tendency to bind more strongly the knot of mutual attachment between the parties. Two very interesting and memorable examples of this, may be found in Cuvier’s account of the friendship between Buffon and Daubenton, and in Playfair’s account of the friendship between Black and Hutton.

‘ I do not mean here to enter into the consideration of the various topics relating to friendship, which are commonly discussed by writers on that subject. *Most* of these, indeed, I may say *all* of them, are beautifully illustrated by Cicero in the Treatise *de Amicitia*, in which he has presented us with a summary of all that was most valuable on this article of ethics in the writings of preceding philosophers; and so comprehensive is the

view of it which he has taken, that the modern authors who have treated of it, have done little more than to repeat his observations.

‘One question concerning friendship much agitated in the ancient schools was, “whether this connexion can subsist in its full perfection between more than two persons?” And I believe that it was the common decision of antiquity that it *cannot*. For my own part, I can see no foundation for this limitation, and I own, it seems to me to have been suggested more by the dreams of romance, or the fables of ancient mythology, than by good sense, or an accurate knowledge of mankind. The passion of love between the sexes is indeed of an exclusive nature; and the jealousy of the one party is roused the moment a suspicion arises that the attachment of the other is in any degree divided; and by the way, this circumstance, which I think is strongly characteristic of that connexion, deserves to be added to the various other considerations which show that monogamy has a foundation in human nature. But the feelings of friendship are perfectly of a different sort. If our friend is a man of discernment, we rejoice at every new acquisition he makes, as it affords us an opportunity of adding to our own list of worthy and amiable individuals, and we eagerly concur with him in promoting the interests of those who are dear to his heart. When we, ourselves, on the other hand, have made a new discovery of worth and genius, how do we long to impart the same satisfaction to a friend, and to be instrumental in bringing together the various respectable and worthy men whom the accidents of life have thrown in our way!

‘I acknowledge, at the same time, that the number of our attached and confidential friends cannot be great, otherwise our attention would be too much distracted by the multiplicity of its objects, and the views, for which this affection of the mind was probably implanted, would be frustrated by its engaging us in exertions beyond the extent of our limited abilities; and, accordingly, nature has made a provision for preventing this inconvenience, by rendering friendship the fruit only of long and intimate acquaintance. It is strengthened not only by the acquaintance, which the parties have with each other’s personal qualities, but with their histories, situations, and connexions from infancy; and every particular of this sort which falls under their mutual knowledge forms to the fancy an additional relation, by which they are united. Men, who have a very wide circle of friends without much discrimination or preference, are justly suspected of being incapable of genuine friendship, and indeed are generally men of cold and selfish character, who are influenced chiefly by a cool and systematical regard to their own

comfort, and who value the social intercourse of life only as it is subservient to their accommodation and amusement.

‘That the affection of friendship includes a desire of happiness to the beloved object, it is unnecessary to observe. There is, however, a certain limitation of the remark, which occurs among the maxims of La Rochefoucault, and which has been often repeated since by misanthropical moralists, “that, in the distresses of our best friends, there is always something, which does not displease us.” It may be proper to consider in what sense this is to be understood, and how far it has a foundation in truth. It is expressed in somewhat equivocal terms; and I suspect, owes much of its plausibility to this very circumstance.

‘From the triumphant air with which the maxim in question has been generally quoted by the calumniators of human nature, it has evidently been supposed by them to imply, that the misfortunes of our best friends give us more pleasure than pain. But this La Rochefoucault has not said, nor indeed could a proposition so obviously false and extravagant have escaped the pen of so acute a writer. What La Rochefoucault has said, amounts only to this, that, in the distresses of our best friends, the pain we feel is not altogether unmixed;—a proposition unquestionably true, whenever we have an opportunity of soothing their sorrows by the consolations of sympathy, or of evincing, by more substantial services, the sincerity and strength of our attachment. But the pleasure we experience in such cases, so far from indicating any thing selfish or malevolent in the heart, originates in principles of a directly opposite description, and will be always most pure and exquisite in the most disinterested and generous characters. The maxim, indeed, when thus interpreted, is not less true when applied to our own distresses than to those of our friends. In the bitterest cup that may fall to the lot of either there are always mingled some cordial drops,—in the misfortunes of others, the consolation of *administering* relief,—in our own, that of *receiving* it from the sympathy of those we love.

‘Whether La Rochefoucault, in the satirical humor, which dictated the greater part of his maxims, did not wish, in the present instance, to convey by his words a little more than *meets the ear*, I do not presume to determine.’

The *Rational* or *Governing Principles* of our nature, which form the subject of the second book, are, in the system of Mr. Stewart, *Self-love* and the *Moral Faculty*. The former is despatched somewhat hastily in a single chapter, while the latter is treated more at large in the rest of the book. In considering the nature of *Self-love*, Mr. Stewart distinguishes it



from the instinctive principles, which have for their object the gratification of the senses, and describes it as a rational principle, which looks to the general well-being or happiness of the individual. The name *Self-love*, which has been given to this principle, is, as Mr. Stewart justly remarks, 'exceptionable, because it suggests an analogy, where there is none in fact, between that regard, which every rational being must necessarily have for his own happiness, and those benevolent affections which attach us to our fellow creatures.' *Love* is in fact an essentially *social* feeling, and the phrase *Self-love* is of course contradictory in terms. This is, however, a mere question of words. It is of more importance to remark, that the reality of any such distinct principle, as the author here designates under the name of *Self-love*, is perhaps extremely doubtful. It is, as he explains it, a *desire of happiness*. Now happiness is the state of general well-being, which results from the healthy exercise of all our natural powers and faculties. But we are led to the exercise of these powers and faculties by a variety of principles, some selfish and some social; all of which have for their immediate object, not the general result, happiness—but the attainment of some particular good, either for ourselves or others. Experience teaches us that our own happiness is promoted by seeking that of others; but we also find that this effect is not produced unless we seek the good of others from benevolent feeling, and without reference to any selfish motive. This fact is remarked by Mr. Stewart himself.

'The man,' says he, 'who is most successful in the pursuit of happiness is not he who proposes it to himself as the great object of his pursuit. To do so, and to be continually occupied with schemes on the subject, would fill the mind with anxious conjectures about futurity, and with perplexing calculations of the various chances of good and evil; whereas the man, whose ruling principle of action is a sense of duty, conducts himself in the business of life with boldness, consistency, and dignity, and finds himself rewarded with that happiness, which so often eludes the pursuit of those who exert every faculty of the mind in order to attain it.'

If then we had within us an instinctive desire of happiness, which is, as we have seen, an indirect result of the exercise of our social as well as selfish feelings, this desire would defeat its own purpose; since, as far as we acted in obedience to it,

we should deprive ourselves of the principal element of happiness, which consists in the exercise of disinterested benevolence. The supposition of a natural desire of happiness is, therefore, the supposition of a desire prompting to us a line of conduct, which prevents the attainment of the object by which this desire is to be gratified, and is obviously absurd. Happiness, instead of being, as the poet describes it, the 'end and aim of our existence,' is the indirect result of a conduct directed by higher views, and pursued without reference, and often in apparent or temporary opposition to our own immediate interest. All the active principles of our nature, when properly directed, concur in producing it; and these, as we have remarked, may be classed under the two heads of *selfish* and *social principles*; but if it were necessary to decide which of these tend most effectually in their exercise to promote happiness, the preference should undoubtedly be given to those of the latter class. The gratification of those desires, which end in self, is attended with temporary pleasure, but as respects our general and permanent well-being its effect is almost wholly negative. This depends in a great measure, if not entirely, on the exercise of social and benevolent affections—youthful love—conjugal, parental, and filial tenderness—charity, friendship, patriotism, and the expansive philanthropy that embraces the fortunes of the whole human race. The merely selfish pleasures are brief and transitory, followed by disgust, and accompanied by a secret shame: but these noble and amiable sentiments fill the soul with conscious satisfaction, and diffuse a cheerful and sunny light over the course of our existence.

Of the two *Rational* and *Governing* principles supposed by our author, the reality of the former, which he calls *Self-love*, is therefore extremely questionable. The other which he denominates the *Moral Faculty*, is treated at much greater length, and is evidently regarded as of far more importance. Mr. Stewart indeed, expressly states—as we have already remarked—that it is the principal object of the work to explain and illustrate the nature of this faculty. We propose to examine with some attention the view which he has taken of the subject, and shall perhaps in the sequel find reason to question the reality of this, as well as of the other principle, if considered as a distinct and independent part of our nature, and to conclude that the *Moral Faculty*, as far as it has any actual existence, is little more than another name for the same social and benevo-

lent affections, which we have just described as the chief sources of happiness, and which we also believe to be the most important elements of virtue.

In treating this part of his subject, Mr. Stewart observes the following method. He first examines and refutes the selfish system, which denies the reality of moral distinctions, and represents self-love as the only principle of action. In opposition to this theory, he establishes the doctrine that we have within us a principle or faculty of some kind, which distinguishes actions, without any reference to their operation upon ourselves, accordingly as they possess or want certain qualities, which we call *Moral*. What then is the nature of this principle, and of the quality in actions which corresponds with it, and brings it into exercise? After examining successively the opinions which refer the perception of moral qualities to the understanding, and to a distinct power called a *Moral Sense*, Mr. Stewart concludes that both these theories are true, and that we recognize moral distinctions at the same time by the understanding and the heart. On this supposition, it would appear more natural to speak of our *Moral Faculties*, than to use the term, as our author constantly does, in the singular number. What then is the nature of this distinction? or in other words, what is the precise meaning conveyed by the expressions *Right* and *Wrong*? Of this, says Mr. Stewart, we can give no account. The ideas we attach to these terms are simple and wholly unsusceptible of definition or explanation. We can only say of them, that the qualities they respectively indicate are approved and disapproved by our moral faculties. Lastly, what is the source of the obligation which we suppose ourselves to be under, to do what is right and abstain from what is wrong? In answering this question, our author rejects in succession the theories, which place the foundation of moral obligation in the will of God, and in the utility of virtue; and concludes in the end that it is absurd to ask the question, why we are bound to do right, since the idea of obligation is implied in that of virtue; that is, according to his definition, in the idea of an action, which is the subject of the approbation of conscience. Such is a brief sketch of the leading points of the theory of Mr. Stewart on this important topic. We proceed to offer some remarks upon each of its principal divisions.

I. That pleasure is the only good, the attainment of pleasure the only natural motive to action, and the tendency to give



pleasure the only distinguishing characteristic of the actions we call *virtuous*, are the leading principles of a creed in philosophy, which in all ages and nations has been practised upon to a very considerable extent by a portion of society, and has been at times professed as a theory, and received with a pretty general favor. These principles formed the basis of the system of Epicurus, which in the decline of the Roman Empire became the dominant opinion throughout the civilized world. The doctrine was revived in France by Gassendi, about two hundred years ago, and gaining ground very rapidly, became in the following century the prevalent belief of the higher classes in that country, from which it spread itself over the other parts of Europe until it assumed once more the imposing shape of the dominant opinion of the age. Its practical results were soon exhibited in the tremendous political revolutions which convulsed the world at the close of the eighteenth century. A vigorous offset from this tree of poison was planted in England, and for a time shot up and flourished with a good deal of luxuriance. The doctrine acquired indeed at that time and maintains up to the present day, a pretty strong hold on the public sentiment of the mother country, and is perhaps at this moment under some of its different modifications, the one most generally received by inquiring and thinking men. Whatever may be its merits or defects it has obviously no pretensions to novelty; and it is therefore not a little singular that it should have been announced in our own day, with great pomp and circumstance as a *new discovery*. The *Utilitarian* system is plainly nothing more than a new proclamation, with perhaps some slight variations in form, of the old Epicurean philosophy, which was always popular in England; which had been professed with a kind of fanaticism, and pushed to extravagance in France within half a century preceding; and which had been familiarly known for at least two thousand years, as one of the two leading opinions that had always divided the philosophic world. Mr. Bentham does not seem to be aware of any of these facts, and on the strength of having republished this ancient and venerable heresy under the barbarous title of the GREATEST HAPPINESS PRINCIPLE, very honestly believes himself to be the Newton of *Moral Science*. It is really a singular thing, that at a time when Paley was still in all the freshness of his popularity, any person of sound mind—we have, it is true, some doubts whether the Philosopher of

Queen Square can be fairly ranked in that category—should think of promulgating the *Utilitarian* theory as a brilliant novelty, and should even obtain followers enough to give him the appearance of being the founder of a school.

The leading argument in favor of this system, results from the fact that virtue is on the whole productive of pleasure and advantage to the individual. Self-interest, therefore, should naturally lead to the practice of it, and this motive being sufficient to account for the effect, it is unphilosophical to suppose the existence of any other. Hence utility or the tendency to give pleasure is the essence of virtue, and self-interest, that is, the love of pleasure, the only principle of action.

The objection to the system lies in the not less certain facts that we estimate the moral value of actions not according to their results, but according to the motives of the agents, that we are conscious of acting in many cases upon motives entirely foreign to any regard to our own pleasure or interest, and that actions which we should under other circumstances pronounce to be virtuous, lose their character and cease to be so, if we find that they were performed from selfish motives. Thus if I relieve a mendicant in the street, from a sentiment of charity, the action is virtuous; but if I do it in such a way as to be 'seen of men,' and for that purpose, it is not only not virtuous, but actually vicious. On the *Utilitarian* scheme, the action ought in the latter case to be still more virtuous, than in the former, because it produces the same generally useful effects as before, with the additional advantage of promoting to a still greater extent the personal interest of the agent. Utility then, although it may be the result, is not the principle of virtue; and self-interest, although in many cases a justifiable and virtuous motive of action, is by no means the only one.

These facts are not denied by the partisans of the selfish system, and the awkwardness of their attempts to account for them consistently with it, is a strong subsidiary argument against its truth. The feebleness of their reasoning on this head is particularly apparent in the case of Paley, one of the most intelligent, zealous, and popular professors of the system. Paley was a person of great directness and sincerity, conscious of the general purity of his intentions, and of a real respect for religion and morality. With this confidence in the uprightness of his own views, he felt no scruple about following his theories wherever they carried him. The only wonder is,

that his conclusions should not have had upon his own sound and clear understanding the effect, which they must have, we think, upon that of every intelligent reader, of a *reductio ad absurdum* of his leading principles, and brought him back to a different system. The statement to which we allude, and which is quoted by Mr. Stewart in the work before us, is as follows :

‘There is always understood to be a difference between an *act of prudence* and an *act of duty*. Thus, if I distrusted a man who owed me a sum of money, I should reckon it an act of prudence to get another person bound with him, but I should hardly call it an act of duty. On the other hand, it would be thought a very unusual and loose kind of language to say, that as I had made such a promise, it was prudent to perform it ; or that, as my friend when he went abroad, had placed a box of jewels in my hands, it was prudent in me to preserve it for him till he returned.

‘Now in what, you will ask, does the difference consist, inasmuch as according to our account of the matter, both in the one case and in the other—in acts of duty as well as acts of prudence—we consider solely what we ourselves shall gain or lose by the act ?

‘The difference, and the only difference is, that in the one case we consider what we shall gain or lose in the present world, while in the other case, we consider also what we shall gain or lose in the world to come.’

This is indeed, as Mr. Stewart justly remarks, a *curious passage*. It requires all the respect that we really feel for Paley, to induce us to believe that he was in earnest in writing it. It is of course unnecessary to refute such reasoning in a formal way, and it is almost superfluous to remark that an action is equally the result of calculation—that is, equally performed from selfish views—whether the advantages expected from it are to be enjoyed at one period or another. On this supposition, therefore, our actions would be all acts of prudence, so that the theory—besides being obviously inconsistent with experience—involves a denial of the very *difference* which it admits, and professes to account for.

A more popular, although not more plausible explanation of the problem, which Paley has here so unsuccessfully attempted to solve, is to be found in the theories of some other partizans of the selfish system, who undertake to account for our social feelings, the reality of which they also admit, by the effect



of the *association* of ideas. The exercise of these feelings is attended with a sentiment of pleasure, and the actions which we perform under their influence, generally tend in the last result, to the promotion of our own advantage. Having learned these facts from experience, we gradually come to *associate* with the performance of such actions, the idea of the advantage which we shall ourselves derive from them ; and although their immediate and apparent object be the welfare of others, we really perform them from selfish motives as truly as if our own profit or pleasure were directly concerned.

This theory is countenanced by Paley in other passages of his work. It is also the one adopted by the school of Bentham, and is developed at length in the late work of Mill on the *Philosophy of the Mind*. Like the one we have just been considering, it admits the reality of our social feelings, and like that, fails entirely in the attempts to account for them consistently with the truth of the selfish system. On this system, self-interest is the only natural motive to action, but we are nevertheless conscious of feelings which prompt us to seek the good of others. How then did we obtain these feelings, which are, it seems, originally no part of our constitution? We obtain them, says the *Utilitarian*, by the effect of association. Now it is easy to conceive, that habit and association may in some degree vary the direction or application of any natural sentiment or power ; but it is quite clear that they cannot create a sentiment or power which we do not naturally possess. Habit may enable a man, for example, to employ his arms for the purpose of walking, and to go on all fours with some degree of facility. By long practice, he may qualify himself to dance upon a tight rope, or to tread the ceiling of a room with his head downwards, like a fly. But will habit give him an additional arm, or leg, or even finger? Will it so much as add another to the hairs of his head, which, as we are told in scripture, are all numbered? Will any variation in the usual motions and postures of his limbs enable him to wing his way through the air like a bird, or to inhabit the depths of the sea like a fish? These questions will hardly be answered by any reasonable person in the affirmative, and the attempt to account for our social feelings on the principle of association, involves absurdities of a precisely similar description. The social and selfish feelings are as completely distinct from each other as any two of our outward senses or

internal faculties ; and the supposition, that the existence of either is the result of an accidental modification of the natural action of the other, is just as philosophical and probable as it would be to suppose that hearing is a modification of touch, or sight the effect of an accidental variation in the direction of the sense of smell. In short, we cannot in any case attribute the slightest influence to the principle of association, without admitting, in the first place, the reality of the power of which the action is supposed to be augmented or modified by it ; that is, in the present instance, the reality of our social feelings, and with it the falsehood of the selfish theory.

If the case were not too clear to require much argument, it might be added, that the early period of life at which our moral sentiments display themselves, is a sufficient proof that they are not the result of habit or experience. This fact is noticed by Paley, and he endeavors to account for it in regard to such of them as he cannot conveniently resolve into self-interest on the principle of *imitation*.

‘There is nothing,’ says he, ‘which children imitate or apply more readily than expressions of affection or aversion ; of approbation, hatred, resentment, and the like ; and when once these passions and expressions are connected—which they will soon be by the same association which unites words with their ideas—the passion will follow the expression, and attach upon the object to which the child has been accustomed to apply the epithet. In a word, when almost every thing else is learned by *imitation*, can we wonder to find the same cause concerned in the generation of our moral sentiments ?’

It seems, therefore, that each succeeding generation of men acquires its moral sentiments by imitating the actions of the preceding one. By the help of this theory we can go back with great facility to the first generation or the first pair. But how did they, who had no one to imitate, acquire their moral sentiments ? Here the theory is plainly at fault. It is the old fable of the Indian Astronomer, who maintained that the earth reposed on the back of a large elephant, and the elephant on the shell of a gigantic tortoise. But what supports the tortoise ? was naturally the next question. ‘Oh !’ replied the Hindu, ‘that I do not know.’

It is truly painful and pitiful to see writers of instruction, intelligence, and apparently correct intentions, contenting themselves with sophistry of the grossest and most palpable kind

for no better reason than because it affords them a pretext for denying the reality of the best and noblest qualities of our nature ; of those qualities, without which—as Bacon justly and strikingly remarks—man is but a busy and wretched creature, no better than the vermin. If such were in fact our miserable and degraded condition, it would be natural and commendable to give way to any illusions which had a tendency to elevate our notions of the human character and destiny. I would rather, said the noble-minded Tully, be in the wrong with Plato than in the right with Epicurus. This sentiment will find a response in every generous heart. But admit for argument's sake, that it is more generous than philosophical ; admit that we are bound as honest and fearless inquirers to follow truth wherever it may lead us, were it even

Through bogs, fens, lakes, seas, rocks, and shoals of death,  
A universe of death——

admit, as Bonaparte said of his colonies, that our hopes and happiness must be sacrificed rather than a principle ; we may still pertinently ask, why we should exert a perverse ingenuity, deny or torture facts, falsify consciousness, and put up with the flimsiest appearance of argument for the strange purpose of reducing ourselves to the level of the brutes. We may conceive that an individual, beset with strong temptation and abandoned by Providence, shall commit an act of forgery, which, if undiscovered, will convey to him a large amount of wealth. But who in his senses would forge a draft upon himself, the payment of which must bring him with all his friends and family to bankruptcy and ruin ? This example is, nevertheless, a correct illustration of the conduct of the writers who maintain these degrading theories. If it were possible to give the system a coloring of probability, the actions of its supporters would undoubtedly be much more efficient for the purpose than their arguments.

In the above remarks, we have followed in the main the course of Mr. Stewart, who fully recognises the reality of moral distinctions, and establishes it in opposition to the partisans of the selfish system, upon the steadfast and immovable basis of CONSCIENCE, that is, a principle within us which approves and disapproves of actions according to their moral qualities, and often without any reference to their effect upon our own interest. His views are therefore substantially, and in



their leading features correct; and the work that exhibits them, although not free from considerable errors, may be perused without danger, and must tend, on the whole, to strengthen the great cause of religion and virtue. After affirming and establishing the reality of *Conscience*, or the *Moral Faculty*, the author proceeds, in the farther development of his theory, to inquire into the nature of this principle, and of the quality in actions which corresponds with it and brings it into exercise. We shall briefly examine his opinions on these heads, which, though ingenious and ably supported, do not appear to us to be so entirely free from question, as those which we have just been examining. The extreme importance of the subject will, we hope, be received by our readers as an apology for what might otherwise appear a rather long discussion.

II. Supposing then the reality of *Conscience*, or a principle within us by which we recognise the moral qualities of actions, the question next presents itself—what is the nature of this principle or faculty? Is it the Understanding in the exercise of its ordinary powers, or the same Understanding in the exercise of some extraordinary power with which it is furnished by nature for this particular object? If not the Understanding, is it a feeling? and if so, is it one or more of our acknowledged affections, considered under a new point of view, or is it a distinct and separate sentiment, appropriated exclusively to this function, and having some analogy with our external senses?

These inquiries were not much agitated in the ancient schools, and have chiefly grown up since the revival of philosophy in modern Europe. They were treated for the first time with remarkable power and learning by Cudworth, in his works on *Immutable Morality* and the *Intellectual System*. Hobbes had asserted, that in the natural state of man—by which he meant a state anterior to the existence of government—there could be no such thing as moral distinctions, that these were wholly a matter of positive institution, and that there was no other reason for saying that it is right to pay a debt, or wrong to commit a murder, excepting that these actions are respectively conformable or opposed to the law of the land. These principles—monstrous as they appear, and in fact, are—are necessarily implied in the selfish or *Utilitarian* theory under all its forms. It is obvious, that no man is bound to promote his own pleasure or interest, considered as such, any further than it may suit his own convenience so to do.

Hence, if utility be the essence of virtue, and pleasure the only motive to action, there is in fact no obligation to do right, excepting such as results from the forms of positive law. The system, maintained under one of its worst aspects by a writer of extraordinary power and plausibility, excited of course a good deal of sensation. Cudworth, in refuting it, undertook to establish the principle, that moral distinctions are founded not in positive enactments, but in an original and immutable law of nature. This law in his theory is of so transcendent a character, that it is not only independent of social institutions but superior to the will and power of God himself. It seems to be, in his view of it, a sort of sublime and mysterious principle, resembling the FATE of the Grecian mythology, which controlled and over-mastered every thing else in the universe, even to the Father of the Gods himself. This extravagant idea, to which we shall presently give some attention, is adopted by Stewart. The principle by which we acquire our knowledge of moral distinctions is, according to Cudworth, the same by which we perceive truth, that is, the Understanding, to which he attributed the power of furnishing us with abstract notions entirely independent of any particular ones received through the senses. Of the nature of moral distinctions we can give no account. Our ideas of right and wrong are simple and undefinable. Every one knows what he means by these terms, but nobody can furnish any explanation of his meaning. This paradoxical notion is also admitted by Stewart, who is evidently a great admirer—on this subject we may say perhaps a disciple—of the learned, able, and high-minded, but not remarkably precise and clear-headed author of the *Intellectual System*.

The obvious correctness and salutary tendency of the principles of Cudworth, as far as they tended to place the foundation of morals above the sphere of positive law, together with the high degree of ability and learning displayed in his works, recommended them strongly to the public favor, and they were generally received by competent judges as a complete refutation of the doctrine of Hobbes, until the appearance of the Essay of Locke on the Human Understanding. The theory on the origin of ideas, which is maintained in that work, and which for a long time superseded every other in the public opinion, amounted to an indirect refutation of that of Cudworth upon the nature of moral distinctions. Cudworth

held, as we have stated, that our notions of right and wrong, although abstract, were supplied directly by the Understanding, while it was the opinion of Locke, that the Understanding furnishes no ideas whatever of that description, and that all our abstract notions were only generalisations of particular ones, obtained by the senses, or by an internal observation of the operations of our own minds. For those who are satisfied with the reasoning of Locke on this subject—and we profess to be of that number—the theory of Cudworth as to the manner in which we acquire our knowledge of moral distinctions falls of itself. When, however, the alarming, and, as we conceive, unjustifiable deductions, which the sceptics of France and England drew from the principles of Locke, had created a re-action in the public mind, the modern schools of philosophy, which, as we have already remarked, grew up under the operation of it in Scotland and Germany, reverted on this head to the old opinion, and affirmed that the mind possesses the power of generating, or furnishing from its own resources, abstract ideas, wholly independent of any obtained through the senses. To this class belong, in their opinion, our notions of moral distinctions. Kant accordingly lays down the principle with perfect precision and dogmatical confidence. Stewart apparently wavers a little, but comes, on the whole, to the same conclusion. In some passages he expressly classes our notions of right and wrong with those of cause and effect, number, equality, and identity, which he regards as immediate products of the Understanding, acting independently of sensation or reflection. In others he asserts, ‘that the origin of our ideas of right and wrong is manifestly the same with that of the other simple ideas already mentioned; but that whether it be referred to the understanding or not, seems to be a matter of mere arrangement, provided it be granted, that the words right and wrong express qualities of actions, and not merely a power, of exciting agreeable or disagreeable emotions in our minds.’ The extreme looseness and inaccuracy of this language in a writer generally so correct as Stewart is somewhat remarkable. The power of exciting agreeable or disagreeable emotions in the mind is obviously as much a quality, as that of creating perceptions in the Understanding, so that the words *Right* and *Wrong* when used in either sense, express equally qualities of actions. The question, whether we ought to refer the perception of them to the Understanding or the



heart, may be comparatively unimportant, but is, nevertheless, the one under consideration in this part of the work, and is obviously not answered by saying that it is a *matter of arrangement*. Mr. Stewart proceeds to remark, that the difference of opinion may, perhaps, be accounted for by the difference in the meanings which different writers attach to the term *Understanding*,—some regarding it as comprehending all our intellectual powers, and others confining it to that of argumentation and deduction. But here again his view of the subject is obviously an incorrect one. Whatever meaning we may attach to the term *Understanding*, it is equally impossible, on the theory of Locke, that this faculty can supply us with abstract ideas, and the difference between the usages of different writers in this respect, has, therefore, no effect whatever on the decision of the question at issue. It is plain, on the whole, that our author had not completely matured his opinions upon this part of the subject, but that he ranked himself among the followers of Cudworth, and professed to believe, that we obtain our notions of right and wrong immediately and directly by an original exercise of our intellectual power, entirely independent of any operation of the senses.

The incorrectness of this opinion is, as we remarked above, a necessary corollary from the theory of Locke, who has in fact employed a portion of his work in proving that we have no *Innate* or original *Moral Principles*, by which he means general ideas on the subject of moral distinctions. The plan of his Essay did not lead him to discuss, in great detail, the question how we acquire our ideas of these distinctions, and his doctrine was understood by some persons, particularly Lord Shaftesbury, as involving a denial of their reality, which it by no means does. It was perceived, however, by all to involve consequences affecting the probability of the previously prevailing opinions, and of course gave rise to new researches into the subject. One of the results of these was the theory of a *Moral Sense*, which was brought forward in a very plausible shape by Hutcheson in the early part of the last century. According to this writer, *Conscience*, or the internal principle by which we take cognisance of moral distinctions, is not the *Understanding*, but a distinct faculty, analogous to our external senses. The impressions we receive through the medium of this faculty are not perceptions, but emotions; and the intel-

lectual powers have no concern whatever in the regulation of our own conduct, or the formation of our opinions upon that of others. This system, although, as must be obvious to the reader, it will hardly bear the test even of a distinct and naked statement of its leading principle, obtained, nevertheless, by virtue, probably, in part, of its apparently excellent practical tendency, great favor in England, and has been ever since its publication pretty generally adopted by those who are not partisans of the *Utilitarian* school. Mr. Stewart himself admits it so far as to allow that our perceptions of right and wrong are accompanied respectively by agreeable or disagreeable emotions.

‘It appears to me,’ says he, ‘that the diversity of these systems has arisen in a great measure from the partial views, which different writers have taken of the same complicated subject; that these systems are by no means so exclusive of each other as has commonly been imagined, and that, in order to arrive at the truth, it is necessary for us, instead of attaching ourselves to any one, to avail ourselves of the lights that all have furnished. Our moral perceptions and emotions are in fact the result of different principles combined together. They involve a judgment of the understanding, and they involve also a feeling of the heart: and it is only by attending to both that we can form a just notion of our moral constitution. In confirmation of this remark it will be necessary for us to analyse particularly the state of our minds when we are spectators of any good or bad action performed by another person, or when we reflect on the actions performed by ourselves. On such occasions we are conscious of three different things.

‘1. The perception of an action as right or wrong.

‘2. The emotion of pleasure or pain varying in its degree according to the acuteness of our moral sensibility.

‘3. A perception of the merit or demerit of the agent.’

On the theory of Hutcheson there is no such thing as a *Perception* of right and wrong, or merit and demerit, in the cognisance we take of moral distinctions, and the *Internal Sense*, by which we experience an agreeable or disagreeable emotion, is the only faculty brought into exercise on the occasion. This entire exclusion of the Understanding from any agency in the formation of our ideas on this subject is of itself, as we intimated above, a sufficient, though indirect objection to the theory. It is also liable to another of a more direct and peremptory kind. If we possessed a distinct internal sense through which we experienced agreeable or disagree-

able emotions, according to the moral qualities of the actions under consideration, these emotions being excited by the same quality, however they might differ in degree, must always be of the same kind. We are certain, for example, that piety and prudence are duties as well as charity; and on this supposition the emotions excited in our minds by the performance of these several classes of duties would be exactly the same. As the impressions made upon the mind through the sense of hearing must necessarily all belong to the class of sounds, and through the sight to that of colors, so the impressions made through the moral sense, if we have one, though differing in intensity, must all be of a uniform character. Now it is generally conceded—and this, as we have already had occasion to state, is the principal argument against the selfish system—that the emotions excited by the performance of the different classes of duties are essentially various, not only in degree but in kind. We are all conscious that the feelings with which we contemplate an act of prudence, an act of charity, and an act of piety, are not the same. In the first instance, we experience a sentiment of quiet approbation; in the second, a glowing and delightful sympathy; in the last, a reverential awe. It is obvious that the theory, which attributes all these results to operations of one and the same sense, must be erroneous. We find accordingly that Hutcheson, in order to reconcile his system with fact, is obliged to deny the character of virtue to all actions excepting those which proceed from benevolent feeling. With him temperance, prudence, and piety are matters of indifference, and there is nothing worthy of moral approbation but charity. This error, though more agreeable, is not less evident than that of the partisans of the selfish system. Like them, in accounting for our moral sentiments, he throws out of view all but one of the three great classes of which they are composed. No system is, of course, admissible, which does not furnish a complete and equally satisfactory explanation of them all.

It appears, therefore, that the two opinions, which have prevailed most generally in modern times, among those persons, who admit the reality of moral distinctions, as to the nature of the faculty by which we acquire our knowledge of them, both of which are received in connexion by Stewart, although they have been before supposed to exclude each other, are both erroneous statements of the real facts in the case. The truth seems



to be, that reason and feeling are both concerned in the cognisance we take of moral distinctions, not, however, by the exercise of any specific faculty belonging to either of these departments of our nature, but in the usual discharge of their regular and ordinary functions. The agreeable emotions connected with the performance of acts of duty are not the product of a separate moral sense, but comprehend all the different kinds of satisfaction which we derive respectively from the exercise of the selfish, social, and religious principles of our nature. These principles or inclinations lead us directly to the performance of the several sorts of actions, which correspond with them, not as acts of duty, but as acts in which we take a natural delight. When the Understanding comes to consider and classify these acts it recognises them as results of the relations which naturally connect us with God, our fellow-men, and the objects around us. These relations taken together compose what is called the *Law of Nature*, and our actions, when viewed as conformable to these relations, are described as *acts of duty*, performed in obedience to the *Law of Nature*, that is, in other words, to the *Will of God*.

III. The characteristic of Virtue, is, therefore, obedience to the Law of Nature, that is, the will of God ; the distinction between *Right* and *Wrong* lies in conformity or nonconformity to this great rule. This, however, is not the theory of Stewart and Cudworth, who both affirm, that the nature of this distinction is wholly inexplicable. We all, according to them, know perfectly well what we mean by the terms *Right* and *Wrong*, but are nevertheless incapable of giving any explanation of them. Our notions of right and wrong are incapable of analysis. They are simple ideas or notions, of which the names do not admit of definition. 'We can define the words *Right* and *Wrong* only by synonymous words or phrases, or by the properties and necessary concomitants of what they denote. Thus we may say of the word *right*, that it expresses what we *ought to do*, what is *fair* and *honest*, what is *approvable*, what *every man professes to be the rule of his conduct*, what *all men praise*, and what is in itself *laudable, though no man praise it*. In such definitions and explanations, it is evident that we only substitute a synonymous expression instead of the word defined, or we characterise the quality, which the word denotes by some circumstance, connected with it or resulting from it, as a consequence ; and, therefore, we may with con-

fidence conclude, that the word in question expresses a simple idea.' 'The various duties which have been considered, all agree with each other in one common quality, that of being *obligatory* on rational and voluntary agents, and they are all enjoined by the same authority—the *authority of conscience*. These duties, therefore, are but different articles of *one law*, which is properly expressed by the word *virtue*.'

Thus, in the opinion of our author, we know nothing of the nature of the qualities of actions which we call *right*, or, in a word, of the nature of *virtue*, excepting that it is the subject of the approbation of the internal principle which we call *conscience*.

The modes of expression, employed by our author on this subject, are repugnant, we think, to the common sense and feeling of mankind. It is no doubt true, that in general, when we speak of the moral qualities of actions, we mean nothing more than that they awaken within us certain feelings of approbation or disapprobation, which, in the theory of our author, are the results of the action of certain specific faculties, but which we regard as the exercise of our ordinary natural sentiments and affections. These were given us by Providence, as guides to regulate our conduct, and with the mass of mankind, who have but little capacity for abstract reasoning, they are the only natural ones. But when we mean to employ a strict and scientific language, it appears extremely singular, to say that the Understanding has no share in the formation of our notions of moral qualities; and to maintain with Stewart and Cudworth, that the *Understanding* supplies us with ideas which we do not *understand*, is, in our judgment, nothing less than a contradiction in terms. We have stated above, that on our view of the subject the terms *Right* and *Wrong* are susceptible of a very simple, distinct, and satisfactory explanation, and that the essential characteristic of *Virtue*, is *Conformity to the Law of Nature*, or—which is the same thing in other words—*Obedience to the Will of God*. This account of the matter appears at first view diametrically opposite to that of Stewart, but on further reflection, the difference will be found to be rather apparent than real. The error, and it is no doubt by far the most common one in all inquiries of this description, does not consist so much in misapprehending the facts as in giving an incorrect statement of them. It is no doubt true, that in the first instance we know nothing further of moral qualities excepting that certain par-

ticular actions awaken in us respectively certain feelings of approbation and disapprobation. Thus far the whole is a matter of feeling. But when the understanding comes to classify and generalise the particular facts, it ascertains, as we remarked above, that they are results of certain relations, established by nature between us and the other component parts of the universal system, to which we give the name of laws, and which we refer to the will of the Creator, who determined the character of every object, and, of course, the relations that exist between them all. Having reached this point, we can give a distinct, intelligible, and rational account of our notions of right and wrong, which were, in the first instance, a mere matter of fact and feeling. This account is not inconsistent with the facts supposed by Stewart, and is at variance with his chiefly in proceeding one or two steps further than he did in the course of reasoning upon which he had entered, and completing a defective part of his theory. He confined his attention to particular actions, and the impressions they make upon us, without appearing to recollect that by classifying these actions in connexion with the motives that led to them, we obtain a general and intelligible notion of moral qualities, or in other words, of the characteristics of virtue. The notion we thus obtain, furnishes an easy explanation of the terms that are habitually used in reference to the subject. By a right action we mean, according to the etymological interpretation, as well as popular and correct understanding of the word, using it in reference to the existing institutions of society, an action conformable to the relations established by these institutions among the different members of the body politic—conformable, in a word, to the law of the land. Hence when we speak of actions, as conformable to the relations established previously to any human institutions by the Supreme Ruler of the universe, which are the prototype and basis of all positive law, it is perfectly natural to employ the same term *Right* in the new and enlarged sense of obedience to the law of nature, that is, the will of its divine author.

The essential ingredient in the notion of *Right* and *Wrong*—the essential characteristic of virtue is, therefore, *conformity to the law of nature*, or, in other words, *obedience to the law of God*. This Law of Nature is, of course, as such, anterior to any human institution, and independent of the will of any human sovereign. But is it also prior in the order of events



to the creation of the universe, and independent of the will of God himself? These questions are answered in the affirmative by Stewart and Cudworth, who appear, as we stated above, to have borrowed from the ancient Greek Mythology, the notion of that strange and mysterious power, which the poets called *DESTINY*, and which overruled alike the will of Gods and Men. Such at least is the construction which may naturally enough be put on their doctrines. It may not be impossible, as we shall presently see, to reconcile this language with the truth of the case, but we must, at all events, consider it as involving many extravagant and hazardous forms of expression, and as fitted to encourage degrading and inadequate ideas of the Divine nature. As this speculation is of a very high and curious character, it may not be disagreeable to our readers to peruse a few of the passages relating to it in the works of the writers alluded to, to which we shall annex some brief remarks of our own.

‘Whatsoever,’ says Cudworth, ‘*was the true meaning* of those philosophers, that affirm justice and injustice to be only by law, and not by nature, certain it is, that divers modern theologers do not only seriously, but zealously contend in like manner, that there is nothing absolutely, intrinsically, and naturally good and evil, just and unjust, antecedently to any positive command or prohibition of God, but that the arbitrary will and pleasure of God—that is, an omnipotent Being, devoid of all essential and natural justice—by its commands and prohibitions, is the first and only rule and measure thereof. Whence it follows, unavoidably, that nothing can be imagined so grossly wicked, or so foully unjust or dishonest, but if it were supposed to be commanded by this omnipotent Deity, must needs, upon that hypothesis, become holy, just, and righteous. For, though the ancient fathers of the Christian Church were very abhorrent from this doctrine, yet it crept up afterwards in the scholastic age, Ockham being among the first that maintained that there is no act evil, but as it is prohibited by God, and which cannot be made good if it be commanded by him. And herein Petrus Alliacus and Andreas de Novo Castro, with others, quickly followed him.

‘Now the necessary and unavoidable consequences of this opinion are such as these,—that to love God is *by Nature* an indifferent thing, and is morally good only because it is enjoined by his command;—that holiness is not a conformity

with the Divine nature and attributes ;—that God hath no natural inclination to the good of his creatures, and might *justly* doom an innocent creature to eternal torment ;—all of which propositions, with others of the kind, are word for word asserted by some late authors, though I think not fit to mention the names of any of them in this place, excepting only one, Joannes Sydlovius, who, in a book published at *Franeker*, hath professedly avowed and maintained the grossest of them. And yet neither he nor the rest are to be thought any more blameworthy herein than many others, that, holding the same premises, have either dissembled or disowned those conclusions which unavoidably follow therefrom, but rather to be commended for their openness, simplicity, and ingenuity, in representing their opinion naked to the world, such as indeed it is, without any veil or mask.'

The opinions here expressed by Cudworth, are approved and adopted by Stewart in the following passage.

'In the passage, which was formerly quoted from Dr. Cudworth, mention is made of various authors, particularly among the theologians of the scholastic ages, who were led to call in question the immutability of moral distinctions by the pious design of magnifying the perfections of the Deity. I am sorry to observe, that these notions are not as yet completely exploded ; and that, in our own age, they have misled the speculations of some writers of considerable genius, particularly of Dr. Johnson, Soame Jenyns, and Dr. Paley. Such authors certainly do not recollect, that what they add to the divine power and majesty, they take away from his moral attributes ; for if moral distinctions be not immutable and eternal, it is absurd to speak of the *Goodness* or of the *Justice* of God.

"Whoever thinks," says Shaftesbury, "that there is a God, and pretends formally to believe that he is *just* and *good*, must suppose, that there is such a thing as *Justice* and *Injustice*, *Truth* and *Falsehood*, *Right* and *Wrong* ; according to which eternal and immutable standards, he pronounces that God is *just*, *righteous*, and *true*. If the mere will, decree, or law of God, be said absolutely to constitute *Right* and *Wrong*, then are these latter words of no signification at all."

'In justice, indeed, to one of the writers above mentioned, (Dr. Paley,) it is proper for me to observe, that the objection just now stated has not escaped his attention, and that he has even attempted an answer to it ; but it is an answer in which he admits the justness of the inference which we have drawn from his premises ; or, in other words, admits, that to speak of the moral

attributes of God, or to say that he is *Just, Righteous, and True*, is to employ words which are altogether nugatory and unmeaning: That I may not be accused of misinterpreting the doctrine of this ingenious writer, who on many accounts deserves the popularity he enjoys, I shall quote his own statement of his opinion on this subject.

“Since moral obligation depends, as we have seen, upon the will of God, *Right*, which is co-relative to it, must depend upon the same. Right, therefore, signifies *consistency with the will of God*. But if the divine will determine the distinction of right and wrong, what else is it but an identical proposition to say of God that he acts right? Or how is it possible even to conceive that he should act wrong? Yet these assertions are intelligible and significant. The case is this. By virtue of the two principles, that God wills the happiness of his creatures, and that the will of God is the measure of right and wrong, we arrive at certain conclusions, which conclusions become rules; and we soon learn to pronounce actions right and wrong, according as they agree or disagree with our rules, without looking farther; and when the habit is once established of stopping at the rules, we can go back and compare with these rules, even the divine conduct itself, and yet it may be true, (only not observed by us at the time,) that the rules themselves are deduced from the divine will.”

‘To this very extraordinary passage, (some parts of which, I confess, I do not completely comprehend, but which plainly gives up the *Moral Attributes of God*, as a form of words that conveys no meaning) I have no particular answer to offer. That it was written with the purest intentions, and from the complete conviction of the author’s own mind, I am perfectly satisfied from the general scope of his book, as well as from the strong testimony of the first names in England in favor of the worth of the writer; but it leads to consequences of the most alarming nature, coinciding in every material respect with the systems of those scholastic theologians, whom Dr. Cudworth classes with the Epicurean philosophers of old, and whose errors that great and excellent writer has refuted with so splendid a display of learning, and such irresistible force of argument.’

There is a slight mixture of truth in these remarks of Cudworth and Stewart, which serves to give them in some parts an air of probability, and by the aid of which, and a little charitable construction, they might perhaps be reconciled with facts; but they are fitted, we think, on the whole, to convey a most erroneous notion of the subject. These writers agree in the opinion we have expressed above, that moral distinctions



are founded in a law of nature anterior to, and independent of any positive institution; or, in other words, in the relations existing among the various orders of intelligent and moral beings. They also admit, that the universe owes its existence to the power and will of God; and the question is, whether the relations between the different persons and objects composing the universe be, or be not an effect of the will of the Creator who formed the whole. If the Power that governs the universal system think proper to create the sun with a diameter of about eight hundred and eighty thousand miles, and the earth with one of about eight thousand, is it, or is it not an effect of his will, that the sun is larger than the earth? Common sense replies of course in the affirmative. Mr. Stewart and Cudworth maintain the negative. The supposition being made, say they, that the sun and the earth are created with the diameters which they now respectively possess, it follows, of *necessity*, that the sun must be larger than the earth, and the will of God himself cannot prevent it. There is, as we remarked above, some appearance of plausibility in this idea, which, however, disappears when we recollect, that the two propositions are only different expressions of the same facts. To say that the sun is larger than the earth, is only saying in more general terms, that they are respectively of such and such diameters, and as the will of God is admitted to be the reason why they are of such and such diameters, it is also, of course, the reason why one of them is larger than the other.

The case is the same with the moral relations between intelligent and rational beings. Is it, or is it not an effect of the will of God, that it is the duty of parents to love their children, and of children to love their parents, that it is the duty of us all, not to sacrifice the happiness of other men to the gratification of our own animal appetites? Here too, Stewart and Cudworth maintain the negative. 'For my own part,' says Stewart, 'I can as easily conceive a rational being so formed, as to believe the three angles of a triangle to be equal to *one* right angle, as to believe, that if he had it in his power, it would be *right* to sacrifice the happiness of other men to the gratification of his own animal appetites; or that there would be no *injustice* in depriving an industrious old man of the fruits of his own laborious acquisitions. The exercise of our reason in the two cases is very different; but, in both cases, we have a perception of *truth*, and are impressed with an irresistible con-

viction, that the *truth is immutable and independent of the will of any being whatever.*' Here again, there is an appearance of plausibility, which disappears as before, when we recollect, that the only fact affirmed in the proposition here supposed to be a necessary truth, is one which is admitted to be an immediate effect of the will of God. To say that parents are bound in duty by the law of nature to love their children, that we are all bound in duty by the law of nature to relieve distress, as in the cases here supposed by Stewart, is only saying, in other words, that there is a principle of love implanted by nature in the heart of every individual man, which displays itself under various forms, according to the particular situation and circumstances in which it operates. But the existence of this principle within us is admitted by all to be an effect of the will of God; and the fact, that we are bound in duty to love our neighbor, which is only another mode of expressing the same thing, must, of course, be referred to the same cause.

The intelligent reader will readily perceive, that there is the same fallacy in the mathematical illustration employed by Stewart in the above extract, as in the principal argument which it was brought to illustrate. The question whether it be an effect of the will of God, that the three angles of a triangle are not equal to *one* right angle, is precisely parallel to the one before stated, whether it be an effect of the will of God that the sun is larger than the earth. It is admitted to be an effect of the will of God, that a given figure has three sides and not two or four, and to say that the three angles formed by these three sides are not equal to a right angle, is only stating under a different point of view, the same fact, which must of course be attributed to the same cause. In short, the propositions which express relations, whether physical or moral, are only statements in a more general form of the existence and qualities of individual objects. These are regarded by all as creations of the divine will, which consequently determines the relations between them. To affirm that the same power which determined that Saturn should have seven satellites, and Herschel only five, did not determine that Saturn should have more satellites than Herschel, is plainly contradictory to common sense; and when we find philosophers of high and deserved reputation maintaining this assertion, we naturally conjecture that they are influenced by

some accidental motive entirely foreign to the merits of the question.

The nature of the motive that operated in this instance upon the minds of Stewart and Cudworth, is apparent from the tenor of the passages quoted above. They were apprehensive, that if we consider moral distinctions as 'results of the will of God,' we shall be obliged to withdraw from our ideas of the divine nature, the moral attributes which we generally consider as belonging to it. 'Such authors certainly do not recollect,' says Stewart, 'that what they add to the divine power and majesty, they take away from his moral attributes; for if moral distinctions be not immutable and eternal, it is absurd to speak of the goodness or of the justice of God.' 'If we suppose,' says Cudworth, 'that the arbitrary will and pleasure of God—that is, an omnipotent Being, devoid of all essential and immutable justice—by its commands and prohibitions is the first and only rule and measure of right and wrong, it would follow unavoidably, that nothing could be imagined so grossly wicked or so foully unjust or dishonest, but if it were supposed to be commanded by this omnipotent Deity, must needs upon that hypothesis become holy, just, and righteous.' 'Whoever thinks,' says Shaftesbury, 'that there is a God, and pretends firmly to believe that he is *just* and *good*, must suppose that there is independently such a thing as *Justice* and *Injustice*, *Truth* and *Falsehood*, *Right* and *Wrong*, according to which eternal and immutable standards, he pronounces that God is *just*, *righteous*, and *true*. If the mere will, decree, or law of God be said absolutely to constitute right and wrong, then are these latter words of no signification at all.' In all this there is much confusion of ideas, which obviously results from the implied supposition, that the moral attributes of God, if real, must be of the same nature with ours. But is it possible that either of these writers can have imagined, or that any person of sound mind can for a moment imagine, that God is just and good in the sense which we attach to these terms, when we apply them to ourselves? It would surely be the height of absurdity, as well as irreverence, to conceive of the Divine Being as involved in the sphere of our ordinary family and social relations; yet the terms *Good* and *Just*, as we apply them to ourselves, are merely generalisations of the more particular qualifications of a good father, a good husband, a good neighbor, friend, and citizen. Do we then deny the reality of



the moral attributes of God, because we do not believe that they operate under the modes which belong to our limited and transitory sphere of action? Surely not. Do we deny the existence of God, when we say that the manner of it is entirely different from that of ours? Do we deny the intelligence of God when we affirm that 'his ways are not as our ways, nor his thoughts as our thoughts?' Why then should we be thought to impeach the goodness and justice of God by supposing them to be manifested under forms entirely foreign to the law of our nature? We believe, and the opinion is authorized by scripture, that our intellectual and moral part, 'the God within the mind,' is in some faint and imperfect degree an image of the Sublime Intelligence, that created and governs the Universe. In attempting to form an idea of the attributes of this 'High and Holy One,' we suppose the wisdom, power, and goodness that constitute the best qualities of our own better nature, elevated to an infinitely higher pitch than that in which we possess them, and combined in perfect harmony without any mixture of earthly alloy. The mode of existence and action that belongs to such a being is entirely above our comprehension. We know that it must be wholly different from ours, but in affirming that the law of our nature is an effect of the will and not a rule for the conduct of God, we make no approach to a denial of his attributes, intellectual or moral. We may surely imagine a principle of Intelligence, that is exercised without the intervention of our material senses,—a principle of Love that displays itself in other forms than those which result from our social relations,—as easily as a principle of Being independent of the laws of our existence, independent of the limits of time and space, inhabiting at once the mysterious mansions of eternity, and the secret recesses of the humble and contrite heart. On the other hand, how degrading is the notion that this mighty and mysterious Being is himself bound down by a law superior to, and independent of his own power and will! Instead of being the law-giver of the Universe, God, in this theory, is only the first subject of some more elevated principle, that prescribes a rule for his actions, enforced, no doubt, in the usual way, by appropriate rewards and punishments. But who shall undertake to judge whether God, in establishing the law of nature, has obeyed the higher and immutable law, which Destiny imposes on him? This office, on the theory we are considering, devolves on man. 'Who-

ever thinks that there is a God,' says Shaftesbury in the passage above quoted, 'and pretends formally to believe that he is *just* and *good*, must suppose that there is independently such a thing as *Justice* and *Injustice*, *Truth* and *Falsehood*, *Right* and *Wrong*, according to which eternal and immutable standards HE pronounces that God is *just*, *righteous*, and *true*.' Man, therefore, is the appointed arbiter, who takes cognisance of the actions of God, compares them with the immutable decrees of Destiny, (from what digest or collection of reports he obtains his knowledge of the latter does not so fully appear,) and PRONOUNCES that it is or is not conformable to them. Man, it must be owned is on this theory a pretty important personage; being, if we are not mistaken in the order of precedence, a degree higher than Destiny itself—to say nothing of Deity—since the Judge is regularly superior to both the parties, who attend at his tribunal and await his decision. One hardly knows whether to smile or tremble at these irreverent absurdities, which are however necessary conclusions from the theory of Cudworth and Stewart. In comparison with these, the strange inconsistency with fact in the concluding remark of Shaftesbury, as quoted above, is hardly worth noticing. 'If the mere will, decree, or law of God be said absolutely to constitute *Right* and *Wrong*, then are the latter words of no signification at all.' Now it is admitted by these writers, as we have already seen, that on their system the words *Right* and *Wrong* have no meaning, or at least none that can be stated by one person to another. They are acknowledged not to be susceptible of analysis, definition, or explanation. On the other hand, the theory, which describes them as indicating conformity to the law of nature, or obedience to the will of God, assigns to them a meaning, to our minds perfectly satisfactory, but which must appear at all events precise and intelligible even to those who deny its correctness. The remark of Shaftesbury is of course exactly the reverse of the truth.

For ourselves, therefore, we would join without hesitation in the sublime interrogatory of the illustrious Hooker, so often quoted, and so little weighed and understood, which contains in a single line the quintessence of Philosophy preserved in the purest spirit of Poetry. 'What then shall we say of law, but that its seat is the bosom of God,—its voice the harmony of the world?' *Its seat is the bosom of God*. God in the independent exercise of his own high attributes, issued the

decrees that determined the existence, form and qualities of all created things, and fixed in so doing the laws that regulate their modes of being and of action. *Its voice is the harmony of the world.* The great movement of nature, which proceeds in obedience to this transcendent law is a perpetual publication of it—a perpetual revelation of the will of its author. ‘Day unto day,’ says the “monarch minstrel” of scripture in his unequalled strains of devotion and poetry, ‘day unto day uttereth speech—night unto night showeth forth knowledge. No sound—no language—their voice is not heard—but their meaning goeth forth to the ends of the earth—their sense is understood by all the nations.’ *Its voice is the harmony of the world.* We obtain the knowledge of it not from black-letter statute-books, and dusty commentaries, but from the bright and living face of nature, as its various features impress the senses, inform the understanding, excite the imagination and touch the heart. We inhale it in the balmy breath of morning, we read it inscribed on characters of light in the blue expanse of the starry firmament, and embroidered in flowers of every hue on the green mantle of spring. We hear it in the whispers of the ‘sweet South’—in the warbling of the birds—in the trumpet-tones of the wintry hurricane. We feel it in the secret suggestions of our own hearts. The sages of the old Italian school, in their lofty allegories, described this universal harmony of the world as the *Music of the Spheres*, and they said that it could only be heard in the *silence of the passions*. In this, too, they were right. The secret of truth and virtue is revealed to those only who seek with purity and singleness of mind to discover it. When we yield to irregular desires, and disturb the grand concert of the Universe with the dissonant uproar of vicious indulgence, we are forthwith punished by an incapacity to hear and enjoy it. The great book of nature becomes forever after a sealed volume, and the divine law, which it unfolds to us, an impenetrable mystery.

If, however, we suppose the characteristic of virtue to be, as we have described it, conformity to the law of nature, that is, obedience to the will of God, we may solve with comparative facility the question, which has frequently been agitated whether the natural affections be in themselves virtuous. This question, as we have already had occasion to remark, is decided by Mr. Stewart in the negative, not only in reference to the selfish, but also to the social and benevolent affections.



'It is not my intention,' says he, 'to exalt our natural affections into virtues. So far as they arise from original constitution, they confer no merit whatever on the individual any more than his appetites and passions.'

'Hutcheson seems to consider virtue as a quality of our *affections*, whereas it is really a quality of our *actions*; or, perhaps, in strict propriety, of those *dispositions* from which our actions immediately proceed. Our benevolent affections are always amiable, but, in so far as they are constitutional, they are certainly in no respect meritorious. Indeed some of them are common to us with the brutes. When they are possessed in an eminent degree, we may perhaps consider them as a ground of moral esteem, because they indicate the pains which have been bestowed on their cultivation, and a course of active virtue in which they have been exercised and strengthened. On the contrary, a person who wants them is always an object of horror; *chiefly* because we know that they are only to be eradicated by long habits of profligacy, and *partly* in consequence of the uneasiness we feel when we see the ordinary course of nature violated, as in a monstrous animal production. It is from these two facts, that the plausibility of Dr. Hutcheson's language on this subject in a great measure arises; but if the facts be accurately examined, they will be found perfectly consistent with the doctrine already laid down, that nothing is an object of moral praise or blame but what depends on our own voluntary exertions; and of consequence, that these terms are not applicable to our benevolent or malevolent affections, so far as we suppose them to result necessarily from our constitutional frame.

'There is another consideration, too, which, on a superficial view, appears favorable both to Hutcheson's language and system, the peculiar and enthusiastic admiration with which all mankind regard a man of enlightened and active benevolence. Such a character draws upon itself not merely the *applauses*, but the *blessings* of the world, and assimilates human nature to what we conceive of those ministering angels who are the immediate instruments of the Divine goodness and mercy.

'In order to think with accuracy on this very important point of morals, it is necessary to distinguish those benevolent affections, which urge us to their respective objects by a blind impulse, from that rational and enlightened benevolence, which interests us in the happiness of all mankind, and indeed of all the orders of sensitive beings. This Divine principle of action appears but little in the bulk of our species; for although the seeds of it are sown in every breast, it requires long and careful cultivation to rear them to maturity, choked as they are by envy, by

jealousy, by selfishness, and by those contracted views, which originate in unenlightened schemes of human policy. Clear away these noxious weeds, and the genuine benevolence of the human heart will appear in all its beauty. No wonder then that we should regard, with such peculiar sentiments of veneration, the character of one whom we consider as the sincere and unwearied friend of humanity; for such a character implies the existence of all the other virtues; more particularly of candid and just dispositions towards our fellow-creatures, and implies, moreover, a long course of persevering exertion in combating prejudices and in eradicating narrow and malignant passions. The gratitude, besides, which all men feel towards one in whose benevolent wishes they know themselves to be comprehended, contributes to enliven the former sentiment of moral esteem; and both together throw so peculiar a lustre on this branch of duty as goes far to account for the origin of those systems, which represent it as the only direct object of moral approbation.

‘But what I am chiefly anxious to infer at present from these remarks is, that there is nothing in this approbation of a rational and enlightened benevolence, which at all invalidates the doctrine, that virtue, in all its branches, supposes a course of voluntary exertion under the guidance of a sense of duty.’

In these observations on the moral value of the benevolent affections, Mr. Stewart has been embarrassed and led into error by his theory of a distinct and separate *Moral Faculty*, entirely independent of the usual operations of the mind and heart. There is obviously a strange inconsistency in admitting that we regard an individual of a remarkably benevolent character with *Enthusiastic Admiration*, with *Gratitude*, with *Veneration*, with *Moral Esteem*, and at the same time denying that we regard benevolence with moral approbation. What difference can be made, in the correct use of language, between *Moral Esteem* and *Moral Approbation*? Gratitude, veneration—enthusiastic admiration, when directed towards a character, which is a proper object of moral esteem, are only different names for the same feeling in its most exalted degrees. And, as in a matter of feeling like this, the common sentiment of men is the surest and indeed the only test of truth, Mr. Stewart, by this admission, has recorded a decision completely adverse to his own theory. The attempt which he makes to account for our enthusiastic admiration of benevolence, on the principle that this quality supposes the union of justice in the same character, is also very singular. Benevo-

lence no doubt supposes justice, but justice itself is not an object of admiration. It is a merely negative virtue, and consists in not inflicting on others a positive injury. How can it be maintained with plausibility that we admire benevolence, because it includes justice, when we do not admire justice itself in its own acknowledged form? To say that we admire benevolence because it supposes or includes justice; that is, that we admire a benevolent man because we are sure that he does not defraud and oppress his fellow-citizens, is much like saying that we admire fine poetry because we are sure that it must be written with a correct observance of all the rules of grammar. Such are the inconsistencies and singularities into which Mr. Stewart has been led by his attempt to deprive benevolence of the character of virtue. The distinction which he takes in this respect between the *actions* and *affections* is no doubt founded in fact, but is in no way inconsistent with the theory which considers benevolence as virtuous. Virtue, we know, is a quality of actions, and benevolence, so far as it is an involuntary effect of original constitution or favorable circumstance, confers no merit. When we say that we approve and admire benevolence, we mean that we approve and admire it as a *motive* to action; that we consider actions performed with this motive as virtuous; that we regard an individual, who acts upon this motive with moral approbation; one who acts upon it habitually and to an uncommon extent, with enthusiastic admiration. All this agrees entirely with the common forms of language, and with the common sense and feeling of the world. Mr. Stewart is compelled to refuse his assent to it by his system, which places the characteristic of virtue in a conformity to a moral *Faculty* or *Sense* entirely distinct and separate from our natural affections. We have just seen to what difficulties he is reduced by attempting to account, consistently with this system, for acknowledged facts. On the other hand, the theory, which supposes that our natural sentiments, and especially the benevolent affections, are themselves the principal elements of what we call the *Moral Sense or Faculty* is perfectly consistent with these facts and with the usual forms of language employed throughout the world. It reconciles philosophy with common sense, which, although it be no foundation for scientific theories, is the best test of their correctness and the best check upon their errors. Were there no other objection to the theory of an independent *Moral Fac-*



ulty but this, that it deprives benevolence of the character of virtue, we should feel no hesitation in rejecting it as completely at variance with the consciousness of every correct and uncorrupted mind.

We are aware that authority, however high, is of no weight as such in philosophical discussion; but as Mr. Stewart has himself resorted to the Bible for evidence in support of some of his views on the nature of the Moral Faculty, we may perhaps be permitted to appeal to the same high arbiter in favor of the opinions we have suggested above.

‘It is difficult,’ says our author, ‘to explain the following words of scripture in any other sense, than by applying them to such doctrines concerning the factitious origin of moral distinctions as have now been under our review. “Woe unto them that put evil for good, and good for evil; that put darkness for light, and light for darkness; that put bitter for sweet, and sweet for bitter.”’

Without intending to dispute the application here made by Mr. Stewart of this text, which really does not appear to us to be a very natural one, we cannot but remark that it would be easy to point out passages of scripture far more direct and explicit in favor of the opinion that benevolence is a virtue. The eloquent apostle to the Gentiles employs a whole chapter of one of the Epistles to the Corinthians in illustrating and developing this principle; and our Saviour himself expressly declares, that to ‘love our neighbor as ourself’ is one of the two great commandments, which make up together the *Whole Law*. This declaration, although it has no logical effect upon the argument, of course decides the question for those, who admit the authority of scripture. We allude to it here principally for the purpose of showing that there is nothing heretical, dangerous, or contrary to received truths in the theory, which we have stated on the subject.

IV. We have enlarged so much on the preceding head, that we have left ourselves but little space to examine the principles of our author in reference to the fourth and last branch of the inquiry, which treats of the nature and origin of Moral Obligation. His views respecting these points are succinctly stated in the following extract.

‘According to some systems, moral obligation is founded entirely on our belief that virtue is enjoined by the command of God. But how, it may be asked, does this belief impose an ob-

ligation? Only one of two answers can be given. Either that there is a moral fitness that we should conform our will to that of the Author and Governor of the universe; or that a rational self-love should induce us, from motives of prudence, to study every means of rendering ourselves acceptable to the Almighty Arbiter of happiness and misery. On the first supposition we reason in a circle. We resolve our sense of moral obligation into our sense of religion, and the sense of religion into that of moral obligation.

'The other system, which makes virtue a mere matter of prudence, although not so obviously unsatisfactory, leads to consequences, which sufficiently invalidate every argument in its favor. Among others it leads us to conclude, 1. That the disbelief of a future state absolves from all moral obligation, excepting in so far as we find virtue to be conducive to our present interest. 2. That a being independently and completely happy cannot have any moral perceptions, or any moral attributes.

'But farther, the notions of reward and punishment presuppose the notions of right and wrong. They are sanctions of virtue, or additional motives to the practice of it, but they suppose the existence of some previous obligation.

'In the last place, if moral obligation be constituted by a regard to our situation in another life, how shall the existence of a future state be proved, or even rendered probable by the light of nature? or how shall we discover what conduct is acceptable to the Deity? The truth is, that the strongest presumption for such a state is deduced from our natural notions of right and wrong; of merit and demerit; and from a comparison between these and the general course of human affairs.

'It is absurd, therefore, to ask *why* we are bound to practise virtue. The very notion of virtue implies the notion of obligation. Every being, who is conscious of the distinction of right and wrong, carries about with him a law, which he is bound to observe, notwithstanding he may be in total ignorance of a future state.'

We agree with our author that the idea of obligation is implied in that of virtue, but we are not quite sure that the connexion between them would be quite so clear as he imagines it to be if we admit his own definition of the latter term. Virtue, as the reader will recollect, is, on the system of Mr. Stewart, a conduct conformable to the dictates of conscience, and conscience is an internal monitor, wholly independent of the intellectual powers and natural affections, which serve to determine and regulate our conduct. This monitor approves a certain action

or line of conduct ; but why am I, therefore, bound to perform or pursue it ? The question really does not seem to us so absurd, nor the answer so clear, as Mr. Stewart appears to suppose. There is also, in our opinion, an obvious inconsistency in stating that the idea of obligation is implied in that of right, after having previously declared the latter to be entirely simple and not susceptible of explanation or analysis. An idea, which implies or includes another, is of course complex and susceptible of being analysed into at least two. But considering virtue, as we have explained it to be, a line of conduct conformable to the Law of Nature, the connexion, or rather identity, of the two ideas is undoubtedly obvious. Obligation is the name we give to the necessity, which an individual is under of accommodating his conduct to the laws to which he is subject ; and by moral obligation we mean the necessity of this kind, which results from a Law of Nature, as contradistinguished from the positive institutions of society. Such is the etymological and usual signification of the terms. To say, therefore, that virtue consists in a conduct conformable to the law of our nature, and that we are under a moral obligation to practise virtue, is only saying the same thing in different words. Should the question be asked, why we are bound to obey this Law of Nature, the answer is plain. The Law of Nature is the form of our existence and action—the mode in which we live and move and have our being. It remains the same whether we will or not, and we are *obliged to obey it*, that is, we *must* submit to its operation in one shape or another, because every being must of necessity exist and act according to the principles of its constitution, and not in any other way. By the effect of one of these principles of our constitution, which is the freedom of the will, we are able to vary in some degree the manner in which we are affected by some of the other principles, and to determine whether their influence upon us shall be productive of pleasure or pain, satisfaction or remorse, happiness or misery ; but in either event we are equally subject to the action of the law, from which no effort or accident can ever enable us to escape.

The idea of obligation is, therefore, undoubtedly implied in that of virtue, if we intend by the latter term what it properly means, a conduct conformable to the Law of Nature. But this Law of Nature is itself a mere expression of the will of God, which is, therefore, the real and ultimate principle of



moral obligation. God, by creating the universe in a certain form, and by maintaining it in the same when it could not continue to exist for a single moment without his intervention, declared, and is constantly declaring, his will, that the several beings, of all orders and classes, that compose the universe, shall exist and act in a certain way, that is, according to the principles of the constitution which he has respectively given them. If, then, the question be asked, why this or that being is bound to exist, or act in a particular form—why the planets are subject to the law of gravity, and men to that of moral obligation—the true and only answer is, that such is the will of God. If we push the inquiry still further, and ask, why we are bound to obey the will of God, the answer is, that the necessity, physical and moral, of obeying his will, is implied in the fact of our existence and of our relation to him as our Creator and Preserver. In this there is no reasoning in a circle. We do not say, as Mr. Stewart intimates, that we are bound to obey the will of God because there is a moral ‘fitness’ in so doing—that is, because in so doing we should act in conformity to that higher rule of right which he supposes to exist independently of the power and will of God himself, and which, as we have shown already, is a vain and baseless fiction. *Necessity* and not *fitness* is the sense conveyed by the term *obligation*. We are *obliged* to obey the will of God because we cannot avoid it—because his will is the principle of our existence and the law of our nature. We must exist and act in the way that he has prescribed for us in all our relations, physical and moral, and we cannot exist and act, or even conceive the possibility of existing and acting in a different one. Within the sphere of activity, that belongs to our nature, there is, no doubt, a certain latitude allowed to individuals by the freedom of the will, but even in the exercise of this freedom they are, as we remarked above, subject to the same divine law, and have no choice but that of submitting to its operation in one way or another.

Mr. Stewart could not take this view of the subject because he unfortunately failed to perceive that the will of God was the real source of the moral law of nature. In attempting to trace the latter to a mysterious and imaginary cause, independent of, and superior to the great Creating Principle of the universe, he not only proposed to himself an obviously impracticable object, but vitiated the foundation of his whole theory

of ethics. By adopting this system, he was compelled to dissolve the natural connexion between Virtue and Religion, thus depriving the former of its only sure basis, and the latter of its chief practical value. Our leading purpose in the remarks which we have now made has been—as far as depended on our feeble efforts—to restore this union, on which, as we conceive the subject, depends entirely the harmony of nature and the happiness of man. We are aware that the limits of an article like this, even in the extended form which we have been obliged to give to it, are wholly inadequate to a full and satisfactory developement of these momentous truths. We may, perhaps, avail ourselves of some future occasion to resume the subject, and treat certain parts of it in greater detail. In the mean time, however, we indulge the hope that the hints we have thrown out—should they meet the approbation of competent judges—may excite others to reflection, and thus produce, indirectly, results more valuable than any which we could expect to draw from them ourselves.

It will be seen at once, from the tone and spirit of our remarks, that in contesting some of the leading principles of Mr. Stewart, it has not been our intention to depreciate his reputation, or diminish the general respect for his talents and character. We consider the tendency of his writings as eminently favorable to the great cause of truth and virtue, and can therefore recommend them with perfect confidence to the perusal of our readers. They are admirably fitted by their eloquent and attractive style, to inspire a taste for the high and interesting sciences which form their subject; nor are they the less valuable for this purpose, because the opinions of the author are not to be received in every point with implicit credit. While the beauty of the language and illustrations induces us to read, the questionable character of some of the principles induces us to think, and we thus obtain a double advantage; since it is only by learning to think for ourselves, and exercising this power, that we can really turn to any useful account our study of the thoughts of others. While we part with regret from a writer, whose name has never been mentioned among us for many years past without being accompanied by expressions of respect and gratitude, we rejoice that so much of the rich fruit of his fine taste and understanding will survive him in his works. We flatter ourselves that the stock will be increased by a judicious selection from his un-

published manuscripts, and shall embrace, with great delight, any future opportunity that may be offered us of again bestowing the feeble tribute of our applause upon the labors of one who will ever be remembered and admired as an eloquent writer, a powerful thinker, a wise, learned, amiable, and good man.

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ART. XI.—*The New Testament in the Common Version, Conformed to Griesbach's Standard Greek Text.* Boston. GRAY & BOWEN. 1830.

In our fifteenth volume, we gave some account of the leading editions of the Greek New Testament, adding our favorable testimony to what has been contributed from all quarters, to the work of Dr. Griesbach; a critic, who,—in the circumstance that the principal emendations which he introduced, were thought not of a character to support his own theological system,—had a peculiar advantage for recommending his judgment to general confidence, and its results to an impartial estimation. We had occasion to remark, that what has hitherto borne the name of the Received Edition, was an anonymous compilation from previous impressions, themselves mainly derived from two sources; viz. the Greek Testament of the Complutensian Polyglot, prepared from manuscripts not now known, but which all the evidence, accessible on the subject, ascertains to have been modern and of little authority; and that of Erasmus, who possessed but four manuscripts, besides the text presented in a commentary by a father of the eleventh century. Of these manuscripts, one only was of the whole New Testament; the other three were respectively of the Gospels, of the Acts and Epistles, and of the Apocalypse. Of the first of these, which was ancient, dating perhaps from the tenth century, little use appears to have been made. The third, and especially the second, were modern, and of little critical worth. The fourth is now lost; it was so imperfect, that Erasmus was forced to supply chasms—in one instance to the extent of six verses—by his own translation from the Latin Vulgate. In less than nine months from the time when his work was undertaken, it had passed through the press, along with notes, and a Latin translation of the whole, the editor also giving meanwhile a great part of his atten-



tion to another publication. It was, of course 'despatched,' as he himself says, 'rather than edited.' And to add to the enumeration of his infelicities, the copy was not given to the public as he had prepared it, but was marred by ignorant correctors of the press, who also left typographical errors, which have been repeated in all reprints of the Received Edition to this day.

Between the time of the Received Edition and that of Griesbach's great work, several hundreds of manuscripts of the New Testament—and among them those of the highest antiquity known to be extant—had been carefully examined, and their testimony recorded. From this source,—from the ancient versions, indicating what the Greek text was at the time when they were made,—and from quotations by early writers of the church, one of whom, it has been said, Origen, would alone furnish an almost complete copy of the New Testament,—materials for a revision were brought together, amounting to not less than a hundred and thirty thousand various readings. The rules of judging between discordant authorities had also received much attention, and, in leading particulars, had assumed the fixed character of a science. In digesting these abundant materials, and ascertaining the results of a comparison according to these rules, the editor of what now claims the authority of the standard copy of the writings of the New Testament, employed the patient study of more than thirty years.

With the opinion which we so long ago expressed of his work, we were, of course, gratified to find it made accessible to English readers, in the volume of which we have given the title above. We have been struck with a remark in one of the periodicals of the day, that 'Dr. Knapp's Testament is now admitted by German scholars, liberal as well as orthodox, to be superior to Griesbach's,' and 'is the most highly esteemed, and most generally used in Germany.' In the comparison thus instituted, we apprehend that there has been some mistake. In preparing Griesbach's text of the New Testament, the authorities, antecedent to the art of printing, were weighed for every word, and thus the text of the Received Edition was amended, as often as there was found a clear preponderance of evidence for such correction. The manual edition of this author is a critical edition, in a proper sense of that phrase;—since, though not containing the full references of the larger work, which, for distinction's sake,

goes by that name, it exhibits in the text all the restorations there ascertained, and, in the margin, all the other important results of the examinations there denoted.—The edition of George Christian Knapp, first published in 1797, and since at different times and with some improvements till 1829, is a cheap book for schools. So far from coming, or being intended to come into competition with the work of Griesbach, the editor is at pains, in his *Prolegomena*, to have it understood, that he is a disciple of Griesbach in the only questionable particular of that critic's views, the systematic classification of authorities; and, moreover, that he does not undertake such a labor as that of a new edition, *nova recensio*,—which that of Griesbach, strictly speaking, is,—but only the humbler task of a new revisal, a re-examination, *nova recognitio*. *Recensuit Griesbachius*, and *recognovit Knappius*, are the respective appropriate designations of the title pages.

This distinction is treated in the *Prolegomena* to his Homer, by Wolf. The labor of a *recognition*, he says, is praiseworthy; 'whoever, the most partially furnished with the best helps, exhibits an author's text corrected, whether by the application of his own sagacity, or in the use of a few authorities, though he should hardly remove thirty errors, and leave a hundred untouched, has undeniably rendered a good service to letters.' And this is the kind of work, he continues, which most critics have been content with doing. 'Few are so pains-taking, as from recondite and separate sources, especially from ancient copies, to bring together every variety of reading, and then, instituting a comparison with the readings commonly received, to undertake a thorough emendation.' 'There is a great difference between this superficial and desultory labor, and that of an exact and complete revisal, conducted according to settled rules. In the former, more is scarcely aimed at, than to remove blemishes, which are currently admitted, or exhibited in some copies; passing over many readings, which, while as to sense they may be approved or tolerated, have, in point of authority, no pretensions. An exact *recension*, on the other hand, availing itself of all useful materials, searches throughout for what the writer's hand set down, and interrogates in turn the testimonies for every single reading, and not for those only, which may excite suspicion.'

The inferior work of the two kinds here distinguished is what Knapp, with great particularity, announces to have been

the aim of his own enterprise. 'I have promised, not a new *recension*, but a *recognition* of the text.'\* The obvious objection to this procedure is, that a critic is not obliged by the nature of his engagement, to consult all accessible authorities, nor is he held to any strict rules of judgment between them. By the terms of his modest pretension, he is free to attend to a part of the evidence, instead of the whole, and to follow undefined preferences of his own, in the weight, which he ascribes to that part to which he does attend. In the critical edition of Griesbach, the reader may see, against every questionable word, a schedule of the authorities upon which the text preferred is determined to be what proceeded from the sacred writers, so that he has the means of reviewing the critic's decisions, and of reversing them if he see cause. The revised copy of Knapp furnishes no means of discerning how extensive was the search, or what the principles, which brought him to his conclusions. A partial remedy for this defect would have been found in a precise statement of how far it was that the editor proposed to go towards a restoration of the text. But this he has failed to furnish. He says only, in general terms, that he has in view such as 'demand a text more pure than the received text of the Elzevirs, which publishers have too long sent abroad.' 'If readers should find themselves but a little aided by his labors, he will have accomplished what he wished.' 'It is his purpose to present a *legitimate selection* of the most approved readings, extracted from a text of that conformation, which would bear the precise character of a new recension.' 'He has approached reluctantly and reverently the step of removing a received reading from its place.' 'He has often passed over the less important readings, especially where *he conceived* them to contain nothing to disturb a reader, or to affect the writer's sense. He has often purposely passed by what appeared to require some correction, when either the correction demanded was not obvious, or was of a questionable character. In other places, even where there were reasons dictating a change, still the necessity not being sufficiently indubitable, he had preferred to retain the popular reading, and apply a gentler cure by a change of punctuation.'

It is plain enough that all this is inexact and unsatisfactory. To be deaf to testimony for the pure, out of deference to the

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\* *Commentatio Isagogica*, p. 19.



corrupt, while it may wear a show of caution, is, in such a case, the loosest and most assuming rashness. The language of the preface throughout leads the reader to anticipate a sort of halting compromise between critical accuracy, which had made its claims heard, and a lingering popular attachment to some vitiated passages, which have now, with a remarkable unanimity of sects, been condemned, as not entitled to a place in scripture. Or it may be explained from the circumstances of the time, when the growing enumeration of various readings had created alarm in not a few serious minds; before it had come to be understood, with what astonishing strength these discoveries establish the invaluable truth of the substantial identity of the numerous copies, in all their representations of matters of faith and duty. However this may be, the editor is constantly betraying his apprehension, that, in doing the little, which he proposed to do, he should provoke the censure of the uninformed. 'If,' says he, 'this labor, modestly and circumspectly directed to a correction of the text, should give offence to unlearned or mistrustful men, my defence is at hand;' a defence consisting in the universal acknowledgment of the corrupt character of the Elzevir edition. 'May we not depart,' he proceeds, 'from that text, and adopt a better, possessing so many helps towards doing this successfully?' 'We may well be surprised, that a manual for learners has not been provided, more correct than that in use, at least free from those blots, which all who will open their eyes on the case admit should be removed.' 'Who would endure the man, who, after the editions of Gronovius, Grævius, and Ernesti, should reprint the text of Cicero from the Aldine edition, or that of Gruter, pretending that that was good enough for the ignorance of tyros?' By palpable errors, which he thus clearly, however timidly, exposes, we might expect that he would not suffer himself to be overawed. Yet we find him, soon after, expressly allowing, as to punctuation, often a most important part of the critic's task, that, 'except where he had reached absolute satisfaction, he had not presumed to interpose his judgment, in respect to places, which interpreters have long discussed, preferring to retain the common pointing, though not entirely meeting his approbation, provided it did not completely overthrow the sense.' Words, which, in his own view, were unquestionably spurious,—unquestionably from some interpolating hand,—he still retains in the text, enclosing them

only in double brackets; and even the mark of less positive discredit has not been added to any word, 'except on the authority of abundant witnesses.' Sometimes, as in John, viii. 1-11, when he has marked a passage as most unquestionably forged, he is even careful to say that he has not done this on account of discrediting the narration, but because he is persuaded of its not having been penned by the apostle. And finally he gives, at the close of his preface, a full profession of his adherence to generally received doctrines of theology, lest any should suppose, that, in his labors of textual emendation, he has been wanting in devotedness to them.

What state it was of opinion, or of the book-market, in Germany, which called for such a work, we cannot presume to say. It was first published eight years before the manual edition of Griesbach. Had the latter been in existence, the former would very probably never have appeared. In the preface to his second impression, Dr. Knapp says, that when the first was issued, there was a demand for a Testament, exhibiting a more correct text than the received, and such as, while it should be printed on fair types, should be of convenient size and small price. Having, from this cause, naturally acquired possession of the market, it would as naturally, more or less, retain possession. It was bought at first because there was nothing to compete with it, and copies were subsequently multiplied because, from use, they would sell. How wide has in fact been its currency, we have no sufficient means of ascertaining. In the English works by divines of different classes, which are full of the praises of Griesbach, we do not remember to have met with any mention of Knapp. De Wette, in his *Lehrbuch der historisch-kritischen Einleitung*, merely gives the title of his work, along with other manuals, in a short list appended to some remarks on Griesbach, in which he calls the latter's publication an indispensable manual for critics. Schott, in his first edition of the Greek Testament with a Latin version in 1805, in stating that the convenience of his publisher required him to follow the first and inferior edition of Griesbach, instead of waiting for the second to be completed, makes no mention of Knapp whatever, though he had published eight years before. In his second edition in 1811, Schott adopted the improved text of Griesbach, passing over in the same silence the labors of the other. Vater, in his Greek manual edition with a concise commentary, published in 1824, though

he names Knapp in his title page, does not speak of him in his preface or appendix,—in both which the labors of Griesbach, as ‘the prince of critics,’ are abundantly extolled,—except in a single clause, where he notices the carefully selected list of conjectural emendations subjoined by Knapp to his work. In Eichhorn’s *Bibliothek der biblischen Literatur*, a notice of a page’s length is devoted to Knapp, in the volume for 1799, the second year after his New Testament appeared. It is praised for its cheapness, for the judicious arrangement of the pages, and the correctness of its typography. The reviewer also hints at the apologetic strain of the preface, and expresses his hope that the peculiarly scrupulous character of the criticism will dispel all readers’ apprehensions. In Fuhrmann’s *Handbuch der theologischen Literatur*, (1819) is a short notice of the second edition, as one of ‘two commendable manuals.’ The strain of this *critique* is substantially the same with that of Eichhorn’s *Bibliothek*. The character of the text, as the fruit of ‘a *recognition* merely, not a *recension*,’ is specified; and this work of recognition is remarked to have been executed ‘with a solicitous scrupulosity, yea, a shyness.’ ‘Knapp,’ says the reviewer, ‘retains words in the text, which in justice should have been entirely omitted.’ ‘Palpable interpolations should by no means, (even though enclosed) have been received into the text.’ ‘The compiler has proceeded with a somewhat too anxious squeamishness.’ We may add, that in a notice of Griesbach’s great work, in the same volume, consisting of unqualified praise, the editor sums up his remarks by saying, ‘Germany may be proud of this edition. No critical edition of the New Testament compares with this in purity and value, in the evidence which it exhibits of its own correctness even in minor particulars, and in the indefatigable diligence of the editor.’

At the hazard, or the cost, of being tedious, we have been thus precise and copious in citing authorities, because, when the question, which chances to be presented, is not upon the merit, but upon the standing of a work, the citation of authorities is the only course towards a determination; because, in a matter of critical inquiry, it is the authority of the learned which must unavoidably decide the general opinion; and because, in such an examination of evidence for particular reformations of the text, as would be essential in discussing the merits of an edition, we might seem to be keeping scarcely re-



mote enough from the region of controversial theology. We have only further to say, in general, that nothing of the continental writers has fallen in our way, inconsistent with the all but unanimously declared sense of the learned in the parent country, in and out of the church, in favor of the preponderating claim of the edition of Griesbach to the character of the standard of the New Testament collection. Bishop Marsh, in his translation of Michaelis, may have spoken this opinion more fully, but he has scarcely spoken it more decidedly than almost every other Episcopal scholar of any considerable name; and, not to specify other dissenting writers, the *Eclectic Review*, the great organ of English orthodox dissent, besides bearing its testimony more recently in repeated instances to the same point, gave, in its fifth volume, an elaborate article, the sum of which is expressed in the following extracts. 'The Greek text of Griesbach's last edition has a just title above every other yet published, to be received as a standard text.' 'We hazard nothing in saying, that the venerable professor has achieved that honorable and necessary work, which has been for ages wanted, of liberating the sacred text of the New Testament from unauthorized intrusions and alterations; and that he has exhibited it in a state so nearly approaching to its original and native form, as to exclude all probable expectation of any material improvement from future collations and critical labors.'

'It is highly desirable,' the same writer very judiciously adds, 'that the fruits of sacred criticism, produced by the arduous toils of illustrious scholars through so long a course of years, should be laid open to universal use. For this purpose a revision of the established translation, transfusing into it the increased purity of the original text, would be the most obvious, easy, and generally acceptable method.' Precisely this has been the design of the work which has afforded occasion to these remarks, and we do not wish to conceal our gratification that a work so desired has been attempted among ourselves. The editor of the New Testament, in the Common Version, conformed to Griesbach's Standard Greek Text, desires, in his preface, to be 'understood not to have attempted any such work as that of a revised translation of the New Testament. He has exactly reprinted the Common Version, except in places where the Greek text, from which that version was made, is now understood to have been faulty.

In other words, he has aimed to present the Common Version precisely such as it would have been, if the translators could have had access to the standard text of Griesbach, instead of the adulterated text of Beza. In the translations which he has introduced to correspond to the amended Greek, it has been his careful endeavor to imitate the style of the Received Version, and no one has been admitted without study and consideration.' Of the accomplishment of this plan, we shall say no more, than that such examination as we have made has detected no departure from the principles on which the editor professes to have proceeded, and that the exactness and finish of the typographical execution are worthy of uncommon praise.

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# NORTH AMERICAN REVIEW.

No. LXIX.

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OCTOBER, 1830.

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ART. I.—*The American Annual Register for the Years 1827-8-9, or the Fifty-second and Fifty-third Years of American Independence.* New York. E. & G. W. Blunt. 1830.

We have, on former occasions, recommended the two first volumes of the *American Annual Register*, in terms decisive of our opinion of the plan and execution of the work. In its plan, we scarce know a work capable of being rendered more valuable, in the whole class of literature to which it belongs. The reader has only to consider how important a series of volumes an *American Annual Register* would be, commencing with the settlement of the country, or even with the revolution, in order to form an opinion of the claims of this publication to general patronage. For want of a contemporary record, like that which is furnished by these volumes, not a little of our history is irretrievably lost. The materials for it, if they exist at all, are dispersed throughout newspapers, magazines, and congressional documents, which it is in vain, after the lapse of a few years, to attempt to collect. A single volume, like one of those before us, relating to any period now considerably remote, would contain probably more information than the antiquary would be able to collect by years of study. It is not extravagant to anticipate, that, from the time when the publication of the *English Annual Register* commenced, the history of modern Europe will be written with much greater facility, as well as in much wider comprehension, than before. And what that work has accomplished for British history in particular, and the history of all other countries as far as they are in-

cluded in its plan, will of course be accomplished for American history, by a work, which shall appropriately sustain the character of an *American Annual Register*.

But it is not enough to say, that these works will be useful to posterity. It can hardly be expected of any generation to support expensive works solely for the benefit of their successors. We remark, therefore, farther, that publications of this class, judiciously executed, are of great immediate utility. Their object is, at the end of a year, to present the public with the substance of the year's events. It is possible, indeed, in reference to occurrences of great interest, that the reading of the newspapers from day to day will leave upon the mind, at the end of the year, a distinct and accurate impression of what has happened. Of such events as Napoleon's invasion of Russia, and perhaps the emancipation of the Catholics, or the election of General Jackson, and of the main incidents connected with these events, the knowledge derived from the daily journals is as clear and correct as is required. Great single incidents of course attract the notice and dwell on the memory. But let any person, even the most assiduous reader of newspapers, endeavor, at the end of the year, to go over, in his own mind, the political history of Great Britain, or of France, of Columbia, or of Mexico, or even of the United States, and he will find how general and vague his recollection is. He will find himself alternately embarrassed by the redundancy and the want of facts. Many things, recorded at the time as 'important news,' are of no permanent interest; and many things, that are of considerable consequence, escape even a vigilant attention. To give a summary then of the political history of the year, in which what is merely superfluous detail shall be omitted, and the main events shall be continuously narrated, is the duty of the *Annual Register*; and a duty, which cannot be discharged without essential benefit to the politician and general reader.

We have already expressed a favorable opinion of the manner in which the former volumes of the *American Annual Register* have been executed. The present volume we consider quite equal to either of the others. In ordinary circumstances, particularly in the case of a periodical work, we might not deem it strictly proper, to make the successive volumes of a series the subject of our remarks. Supposing, however, the *American Annual Register* not yet to have reached a



circulation, to make it wholly independent of the usual means of recommending new works to the notice of the public, and considering it highly important that this work should be liberally sustained, we have felt it a duty to call the attention of our readers to its merits.

This volume comprehends the political history of two years, and is to be followed by an additional volume, containing the public documents, law proceedings, and biographies for the same period. This departure from the strictness of the plan of an Annual Register is stated by the conductor, to have been caused partly by private considerations, although regarded by him as justified by the peculiar character of the events, which transpired during the two years embraced in the volume. We are not at all disposed to question the weight of the private considerations alluded to, nor to murmur at the delay. Neither do we deny that the history of 1828 and 1829, both domestic and foreign, may, in its leading events, be very conveniently written at once. We also look forward with interest to the supplementary volume, which is promised us in the course of the present season. We are, however, of the opinion, that on the punctual appearance of a volume each year, containing, in due proportion, all the matter pertaining to that year, the success of this work will mainly depend. Without this, the publication may be valuable, but it will not be an Annual Register. It will be a departure from that plan, which experience has shown to be admirably adapted to the end proposed; and which probably possesses advantages over any other, which, being in substance the same, should in form be considerably different. We forbear to enlarge on the topic, although we deem it one, in which the prosperity of the work is involved, because it could not be pursued without apparent disparagement of the present volume and of that which is expected to complete the two years.

Of the historical portion of this volume, about twice as much is devoted to Europe and the States of this Continent south of our Union, as is devoted to the United States. We are not disposed to apportion numerically the number of pages, to which the domestic and foreign history of the year are severally entitled. Circumstances will of course, at different times, suggest greater fullness in the different chapters of each. We are inclined to think it desirable, however, that the portion devoted to the United States of America should be at least as

ample as all the rest put together. The work is unquestionably looked to as an *American Annual Register*. The foreign portion of this work has been hitherto, and is, in the present volume, exceedingly well executed ; a good deal better than the corresponding—that is, the foreign part of the English Annual Register. Still, however, the last named work, the French *Annuaire*, and other European publications may be depended on to furnish a satisfactory account of foreign history and politics. But none of them can for us, in any degree, supply the place of an *American Annual Register*, in the account of our own politics. More than once the English Annual Register, under the head of the History of the United States, has done nothing but gather up the libellous trash of our own daily partisan prints, embodied into a form fit, and, it would seem, designed for no higher purpose, than to be quoted back into our papers as the judgment of foreigners in respect to our domestic politics. Besides this, it is notorious, that foreigners cannot or will not comprehend America. We want, therefore, both for the instruction of Europe and for reference at home, a full and comprehensive history of our own political year. This part of the work will of course be the most attractive to the foreign reader ; and though, on the first impression, the contrary may be supposed, it will be the most interesting even in the United States. A far larger portion of readers will be gratified and instructed by a well-digested and ample narrative of our own affairs, than by the most finished chapter on England, France, or Russia. It must not be supposed, that what is familiar to the conductor of the work, whose attention is systematically turned to the collection of its materials, will, therefore, be trite to the mass of the community. A good portion of its contents will be positively new to them ; and what was known before will serve to give additional interest to the narrative. Nothing pleases most readers more than a full and connected account of an interesting subject, with which they have already a partial acquaintance. The actors in our domestic annals are all of them men well known in some part of the country—some of them well known in every part. The transactions, in which they are concerned, relating to our common country and to passing interests, will be read by many, who would grow weary over the bulletins of a campaign in distant regions, filled with the exploits of men they never heard of before. We wish also as much extension as

possible given to the chapters on the separate States. There is generally in each of the States some important or curious legislation, and some contribution toward the permanent and essential history of the country. This part of the work, we are fully aware, will be the most difficult to prepare. There is no convenient official source, like the journals of Congress, from which it can be derived. It must be sought in newspapers, and not in a small number of them. We believe, however, that the pains and diligence, bestowed on this part of the work, would be amply rewarded in its increased value. Some States might be dismissed more readily than others; and the State, which presented very important matter one year, might be summarily despatched the next. But the chapters devoted to them, if carefully elaborated, would be those perused with most interest by the mass of the readers of the work. Considerable care must be used in assigning to different States their relative portion of the pages of the work, according to the interest likely to be felt throughout the country, in the various topics treated under each head. Thus an abstract of the Revised Code of New York occupies seventy pages of the present volume, and the proceedings of South Carolina on the subject of Nullification, are comprehended in two pages. This perhaps is about the due share of each, in a philosophic aspect of the importance of the respective topics. But in an Annual Register of the politics and history of the country, something might have been retrenched from one article and added to the other. We refer to these instances, however, rather in the way of illustration, to explain our meaning, than of fault-finding. The chapters on American history contain the principal incidents in the legislation of the twentieth Congress, and the chief occurrences in the two last years of the late administration. They are related with as much moderation as can be brought to such topics by any person entertaining opinions of his own. There is no partisan violence in relating events and characterising measures, in which the author must have felt deeply, and in which he knew the public felt as deeply as himself. This moderation of tone belongs to the dignity of historical narrative, and in adopting it, the conductor of the Register has shown that he is alive to the elevated character of his work. Considered as a publication intended for perusal abroad, we deem this a very important part of its merits. Although licentiousness is inseparable from a free press, the fero-



city of our electioneering discussions has injured us essentially in the judgment of enlightened Europe. It is true, our brethren in England can say but little on this topic, for their press is as licentious as our own, though in a much narrower sphere; but the condition of the political press, in free countries, is already quoted as the justification of its restraint by the arbitrary governments of the continent.

We consider the Editor of this volume of the *Register* as having done wisely, in abstaining, in a good degree, from the insertion of debates in Congress. As nothing like even a fair specimen of the speeches of the two houses could be given, without unduly occupying the pages of the *Register*, we conceive it every way better (though otherwise perhaps contemplated in the original plan of the work) to confine the account of congressional proceedings to the history of their progress through the stages of legislation, and a general view of the arguments, by which they are supported and opposed. All else must be left to a *Register of Debates*—a work of prime necessity in the political literature of the country. We had hoped that the spirited commencement, which was made by Messrs. Gales & Seaton, a few years ago, would, under a liberal public and private patronage, have resulted in the permanent establishment of such a work. The private patronage, we regret to hear, has not been commensurate with the acknowledged importance of the undertaking, and the public subscription, if we are not misinformed, has been withdrawn. It will be a matter of just regret should these circumstances cause the suspension of a work of very high importance to the legislation of the country. We yet hope that there will be found enough of public and private liberality to warrant not merely the continuation of the work, which was commenced in 1825, but the collection of the congressional debates from the adoption of the Constitution.

To return to the *American Annual Register*, we must repeat the opinion that it is a publication richly entitled to patronage. It is essential to the well-instructed politician and the enlightened general reader. It ought to have a place in all our public and social libraries; and in the collections of individuals, who study the history of their country and of their age. It is in its nature a work of growing value. The series of volumes will constitute a repository not to be dispensed with, the importance of which will be out of proportion to that of the

single volumes, of which it is composed. It is capable of being made, we fully believe, the most popular periodical work published in the country. It would richly repay the time and attention of any conductor, however gifted and respectable. And in exhorting the accomplished gentleman, who is understood hitherto to have presided over its preparation, to persevere in this honorable pursuit, and to make it more and more an object of his studies and labors, we believe we consult the interest of the reading public, as well as his own reputation. If the authority of a name be wanted to stamp a character on the work, let him be reminded, that he is executing a plan, which was first projected by Burke, and for years occupied no small portion of his time.

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ART. II.—1. *Fuersten und Voelker von Sued-Europa im Sechszehnten und Siebzehnten Jahrhundert, vornehmlich aus ungedruckten Gesandschafts-Berichten.* VON LEOPOLD RANKE. [Princes and Nations of the South of Europe in the Sixteenth and Seventeenth Centuries, compiled principally from the Reports of Ambassadors. By LEOPOLD VON RANKE.] Hamburg, 1827.

2. *Geschichte des Osmanischen Reiches aus den Quellen.* VON JOSEPH VON HAMMER. [History of the Ottoman Empire, from Original Sources. By JOSEPH VON HAMMER.] Perth. 1827.

3. *Des Osmanischen Reichs Staatsverfassung und Staatsverwaltung von Demselben.* [Constitution and Administration of the Ottoman Empire. By the same.] Vienna. 1827.

We have recently seen a great empire, which but a few centuries ago, threatened to extend its dominion over all the European continent, preserved from entire ruin only by the relations of its victorious invader with other powers. The terror, which that empire formerly inspired, is proved by the well-known fact, that prayers for the destruction of the Turks are still to be found in the litanies of some of the German churches. It may not be uninteresting to inquire, in what manner, and by what means, so extraordinary a change has been produced in so short a period; and we shall endeavor in

this article, to present our readers with a brief view of the causes of the decline of the Ottoman empire.

In attempting to ascertain the causes to which the decline of any institution is properly to be attributed, we shall be materially aided in our inquiries, by first investigating those of its ascendancy. We shall thus discover the essential principles of its organisation, in which are not unfrequently to be traced the sources of its decay. The decline of the Roman empire was not owing to its invasion by barbarians, but that invasion was rather the result of its decline. The downfall of empires may doubtless be accelerated by external causes, though the operation of these causes is generally limited and partial. It is to the effect of internal causes, that the greatness of the Ottoman empire, in the reign of Solymán II., as well as the subsequent decline of its power, must be attributed.

In studying the history of the Turks, very little assistance is to be derived from their native writers; but this defect is in a great measure supplied, by the reports of many European ambassadors, who resided at the court of the Sultan, at the period when the Ottoman empire underwent the most important changes. The most valuable of these are the *relazioni* of the ambassadors of Venice. This haughty republic, whose position enabled her not unfrequently to throw a decisive weight into the scale of contending nations, whose commerce brought her into close connexion with the greatest kingdoms, and made her friendship desirable to all, more than supplied her want of physical power by the wisdom of her policy. Her most able and experienced citizens were employed as her representatives at foreign courts. They were required to send weekly statements of all important occurrences to their own government, and upon their return to Venice, to present a very full and particular account of the court and nation in which they had resided, to the Council of the *Pregadi*. This Council was composed of men of talent and experience, who had either formerly been, or might subsequently be called to officiate in a similar capacity. In the reports of the ambassadors the situation and circumstances of foreign courts, the condition of the people, the administration of the government, and their relative position in regard to other States, particularly Venice, were described. Together with his report, the present, which he had received from the sovereign, was laid by the ambassador at the feet of his *Signoria*. These reports were read before



the council, in presence of the doge, to whom they were addressed ; and as they contained the results of acute and personal observation, were commonly interesting and satisfactory. The practice was considered by the Venetians as very useful to the state ; and it must have been particularly important at a period, when travellers were not very numerous, and the narratives of their travels were very seldom published. It was, however, condemned by some, who called it a dissection of courts and governments ; and we find that these ambassadors were not unfrequently reproached for their freedom and officiousness. The reports were preserved in the archives of the state.

The name *relazione* was first used in 1465, though the ambassadors of Venice were required to note down every thing remarkable which they observed abroad, by a law passed two centuries earlier. Both the name and the practice were retained until so late a period as the beginning of the French revolution. They are frequently referred to between the years 1530 and 1630, during which period, it was not unusual for exalted personages to employ clerks for the purpose of copying them.

The ambassadors of the pope, of the king of Spain, and the dukes of Florence and Ferrara, were instructed to prepare reports of a similar kind ; and large collections of these documents were formed, either original or copied, many of which are still preserved in some European libraries. The collection of Venetian *relazioni*, in the library of Paris, is so complete, that, in the opinion of competent judges, it would fully supply the loss of all the archives of Venice. For the first collections of the kind, we are indebted to Cardinal Vitellozo, who spared no labor or expense in procuring these manuscripts, and whose example was soon followed by many other persons of distinguished eminence. Several modern authors have availed themselves of these historical treasures ; and in the valuable work of Mr. Ranke, Professor of History at Berlin, the title of which is placed at the head of this article, we see the fortunate result of a diligent and judicious study of them. Of the numerous other writers upon the subject of Turkey, we shall mention only Mr. Joseph von Hammer, one of the first oriental scholars of the age. Three volumes of his great work, the title of which is also prefixed to this article, and which bring the History of the Ottoman Empire down to the

year 1574, have been already published. Mr. Von Hammer was for many years employed in the diplomatic service of Austria in Egypt and Turkey, and is now interpreter of oriental languages in the department of state at Vienna. Besides the work already mentioned, he has published the Reports of Resmi Ahmed Effendi, Turkish ambassador to Vienna and Berlin; a translation of the Trumpet of the Holy War; a work entitled the Constitution of the Ottoman Empire; and Views on a Journey from Constantinople to Brussa and Olympus.

The origin of the empire of the Ottomans, as it is described in their own traditions, was by no means imposing. It appears from these, that the founder of that empire cultivated the ground with his slaves, and that a flag was employed by him as a signal to call them from their labors at noon. When they accompanied him in his military expeditions, they continued to assemble under the same signal. This personage was favored with a prophetic dream, in which a tree appeared to shoot forth from his body, and to overshadow the world. It is further related, that, after a considerable part of Asia Minor had become subject to this tribe, Solyman, the nephew of Osman, as he was one day riding by the Hellespont, amidst the ruins of ancient cities, fell into a profound reverie. 'Of what,' asked one of his companions, 'is my khan thinking?' 'Of the mode,' replied Solyman, 'in which I shall reach the European shores.' These companions of Solyman were the first Turks who invaded Europe. Amurath I., his brother, conquered Adrianople; and from this time the power of the Ottomans increased with great rapidity. The successors of Amurath were uniformly victorious, until Solyman II., in the beginning of the sixteenth century, became the ruler of a vast empire. The name of this powerful sultan was rendered formidable throughout the Mediterranean by the famous Chaired-din Barbarossa, who boasted that his turban alone, placed upon a staff, would drive the Christians far back into the country. At this time, thirty kingdoms and nearly eight thousand leagues of sea-coast were included in the Ottoman empire; and Solyman assumed the pompous and not altogether inappropriate titles of Emperor of Emperors, Prince of Princes, Distributer of Earthly Crowns, Shadow of God over both Hemispheres, Ruler of Europe and Asia, and of the Black and White Seas. One of the causes of this vast and sudden accession of power was the degenerate condition of the conquered countries; but

it was principally to be attributed to the peculiar organisation of the conquering tribe.

It was the custom of the Ottomans, to divide the countries which they conquered into a multitude of fiefs. The highest officers of the empire were two *beglerbegs*. Next in rank to them were the *sandgiacbegs*, the commanders of a flag; then the *alaibegs*, who commanded the different divisions of the army; and lastly, the owners of larger or smaller fiefs, which were known by the name of *siamets* or *timars*. All these were compelled, upon the requisition of the sultan, to provide horsemen, varying in number, according to the importance of their respective fiefs. The horsemen, thus furnished, were called *sipahi* or *spahi*. By means of this arrangement, the sultan was enabled at any moment to summon to his standard eighty thousand soldiers from Europe, and fifty thousand from Natolia. The owner of a *siamet* or *timar*, with an income of three thousand aspers (about thirty-six dollars and a half), was required to provide a single horseman, and an additional one for every five thousand aspers of additional income. So far there was no essential difference between the feudal system of Turkey, and that of Western Europe. Among the Turks, however, as there existed no nobility, no right of immediate succession was vested in the son. In fact, it was expressly provided by Solyman, that the infant son of a *sandgiacbeg*, with an income of seven hundred thousand aspers, should inherit only a *timar* with an income of five thousand aspers, and be compelled in addition to this, to maintain a single horseman. The son of a *sipahi*, who died in actual service, was entitled to a larger *timar*, than if the *sipahi* died at home. The private property of a wealthy *sandgiacbeg* descended not to his sons, but his successor; and the sons of the most affluent were placed upon a level with those of the poorest, excepting that none but the sons of *timarli*, that is, owners of *timars*, were entitled to fiefs of this description. In regard to conquered countries, this military body might be considered as a kind of nobility, while in regard to each other, they were on a footing of perfect equality. The system was obviously well calculated to unite the conquerors in a vigorous and powerful corps, completely subject to the sultan, who bestowed these *timars* at pleasure, and resumed them again after the expiration of a certain period, while, according to the system of Western Europe, fiefs, when they were given to vassals, were generally



altogether lost to the government. The Turkish system appears to have been the more equitable of the two, as the timars, instead of being inherited, were distributed as the recompense of merit. But it was the feudal system of the West to which we owe the enlightened freedom of modern times, which arose from the conflicts between the interests of different classes of society, placed, by the natural operation of that system, in a state of direct and perpetual hostility to each other, and from the formation and growth of cities, the immediate results of those conflicts. Liberty, as it exists among us, was entirely unknown to the ancients. They saw in the individual only a servant of the state, while we consider the freedom and happiness of the individual, as the purpose for which the state was instituted. The system of the Ottomans, recognising no order of nobility, conferring no permanent privileges, and regarding all as equal, has been correctly described by an ingenious Frenchman, as '*un despotisme absolu moderé par la regicide*.'

But there existed among the Turks an institution still more important, which may be denominated an organised system of slavery. The whole country was traversed once in five years by small bodies of soldiers, each of whom was provided with a *firman*, or decree of the sultan. The commanders of these bodies were empowered to summon together the whole male population of every place which was inhabited wholly, or in part, by Christians; and to carry away every individual of whatever age, who should appear to be at all remarkable for strength or beauty, or proficiency or skill in any art. These, together with prisoners of war, were sent to the court of the Grand Seignor. No pacha returned from any expedition, without bringing a present for the sultan of handsome Christian boys, who, though they were for the most part natives of those originally Christian countries, which had been conquered by the Turks, were sometimes brought from Poland, Bohemia, Russia, Italy, and Germany. The individuals thus collected were divided into two classes. Those who belonged to one of these classes were educated by the peasants of Asia Minor in the Mahometan faith, or employed as menial servants in the sultan's seraglio; while the members of the other class, which consisted of the most promising, were placed in the seraglios of Adrianople, Galata, and Constantinople, where they were taught to read and write by teachers, whose compensation

amounted to eight aspers (about six cents) a day. If public education be valuable in proportion to its cheapness, nothing can be more meritorious than the Turkish system of instruction.

At a certain age, these youths, for they were generally such, were circumcised, which ceremony being performed, those who had been engaged in menial occupations were enrolled as Janissaries, and those, who were educated in the seraglio, were made sipahis : not, however, sipahis with a fief, but of that number, who were paid by the sultan, and attended him as a mounted body-guard. The latter were sometimes elevated to the highest offices of the government.

The members of both these classes were subjected to the severest discipline. It is stated in a *relazione* of Sorranzo, that the menial class were instructed in all military arts, and taught to endure the extremity of abstinence and privation. At night, they slept together in a long lighted hall, where they were watched by a vigilant inspector, who hardly permitted them to move. At a later period, when they were enrolled as Janissaries, they were lodged in barracks resembling convents. They were there arranged in separate *odas*, and cooked, ate, and slept together : in fact, most of their military dignities received their appellations from the kitchen and its dishes. Here, no law was recognised, but that of subordination and obedience. All were subjected to the strictest regulations, and the younger were compelled to respect and serve the elder. No one was ever permitted to pass the night without the barracks, and whenever corporal punishment was resorted to, the sufferer was required, with his head veiled, to kiss the hand of him, who inflicted it.

Those, who remained in the seraglio, were divided into classes under the control of eunuchs. Each of these classes was composed of ten members, who were regularly instructed in science and in military exercises for the term of three years, at the expiration of which they were permitted by the sultan to leave the seraglio. If they preferred to remain there, they were gradually advanced from *chamber* to *chamber*, according to their respective ages, until they attained perhaps one of the four higher offices of the *inner chamber*, from which station they might be promoted to the rank of a beglerbeg, a *capitan-deiri* (admiral), or a vizier. Those, who chose to leave the seraglio, were admitted as members of one of the

four highest classes of the paid sipahi, and might be seen galloping out of the city, exulting in their new dresses, and gaily swinging the purses, which they had received from the sultan.

It will hence be perceived, that the institution of the Janissaries was only a part of a well-organised system of slavery, which answered perfectly the purposes for which it was designed. All the *relazioni* agree in extolling their valor, temperance, and admirable discipline. Busbeck, the Austrian ambassador at the court of Solyman, remarks, that they appeared to him sometimes to resemble monks, and sometimes statues; and that their dress, with the exception of the plume of heron's feathers, was extremely simple. Native Turks were uniformly excluded from their ranks, as was the case with all others, who had been brought up under the parental roof. By means of this singular institution, Christian boys, taken forcibly from their homes, or from convents and taverns, were raised to the highest dignities of a vast empire, while it served at the same time as a school of education for those soldiers, on whom the sultan always placed his principal reliance. Many victories were gained by their unaided exertions, and but for them the battle of Varna, which laid the foundation of the Ottoman greatness, must have been lost. They were accustomed to boast, that they had never been defeated, and Lazarus Schwendi, a German commander, who made several campaigns against the Turks, confirms the truth of this assertion. Nor were the effects of the system less striking in regard to the *sipahis*, and the other portion of those, who had been educated in the seraglio, and who were subsequently employed in civil offices. A single instance only, that of the noble Scanderbeg, occurred of the return of any of their number to the Christian faith. The Janissaries elected their Aga from their own ranks. There was no order of nobility to control their ambition, and prevent them from receiving the advancement due to their enterprise and valor. A field of action was thrown open to all; and they ceased to remember that they were merely slaves. It was by no means rare for Christians to forsake their own country and religion, in order to become slaves with them. Even the sultan, their absolute and only master, was not entirely independent of their will. Not even the son of a vizier, who had just been promoted from their ranks to that exalted station, could be added to their number. The sons of the sipahis and officers of government,—for the



Janissaries were not allowed to marry until a later period,—were compelled to enter the fifth and sixth divisions of the paid sipahi, or were made timarli, among whom, as we have already seen, the territory of the whole empire was divided. This corps of vassals was thus constantly recruited with new members, more deeply indebted, and consequently more devoted to the sultan, than the sons of timarli could have been.

We have thus attempted to describe a most singular institution, by means of which the support and defence of a vast empire was made to depend wholly upon foreigners and slaves, so enamored, notwithstanding, with their condition, as to fight with the utmost readiness and fury against their own countrymen.

The whole power of the Ottoman empire accordingly was vested in two bodies; first, in the timarli, who were native vassals of the sultan; and secondly, in those slaves, of whom the greater portion constituted the flower of the Turkish army, while the rest were employed in the capacity of civil or military officers. The very existence of both these bodies depended altogether upon a state of war. During peace, the sultan could bestow no new timars, and the corps of Janissaries were in danger of sinking into degeneracy. It was war, therefore, which laid the foundation of the Turkish power, and it was by war only, that this power could be preserved. Nor was it less essential to the sultan's personal security, whose vassals must otherwise have aspired to independence of their master. In fact, so thoroughly martial were the Turks, that the camp appeared to be their home; and at the period of their greatness, it is said to have presented a most imposing spectacle. Every thing was kept in a state of remarkable cleanliness and perfect order: neither swearing, quarrelling, drinking, nor gambling was permitted. Every sipahi was furnished with a tent. A horse was provided by the sultan to convey the baggage of every five Janissaries, and a common tent for the accommodation of every twenty-five. Their arrangement, discipline, and mode of living were as simple and rigorous in the camp as in the barrack, while the camp abounded with gold and silver, precious stones, splendid arms, the finest horses, and eunuchs. What a contrast to the turbulent and unruly mass of a feudal levy!

This warlike propensity was also cherished and confirmed by the Mahometan doctrine of predestination; while the pro-

hibition of the use of wine and ardent spirits, and the injunction of frequent bathing and ablutions were highly favorable to a military life. It is worthy of remark, that the Christians are uniformly called citizens and the Turks *askeri* (soldiers), when both are mentioned in the national decrees. In a system like this, which was exclusively military, and destitute of any common principle of union, it was also indispensable, that the sultan, the soul and centre of the whole, should himself be animated by a warlike spirit, and we find accordingly, that the power of the Ottoman empire began rapidly to decline, when the sultans ceased to be soldiers, and the situation of the neighboring countries rendered conquest no longer possible.

The same circumstances then, to which the greatness of the Ottoman empire is to be attributed, became subsequently the immediate causes of its decline. The influence of the Mahometan religion has been sometimes included among these causes. We are far from believing, that this religion is positively favorable to the progress of civilisation; nor do we conceive that it tends directly to obstruct it. It would be unfair to judge of the character of Mahometanism, from the exhibition of it, as it appears at this day, among the different nations of the east. The time has been, when the attainments of the followers of Mahomet in art and science were far greater than those of Christians, and when the personal character of the former was by far the most chivalrous and elevated. We allude to the Arabians of the middle ages. The Turks, from whom our ideas of Mahometanism are commonly derived, were long regarded even by other Mahometans as a rude and uncivilised tribe. The union of a civil code with the rules of religious faith in the Koran, is undoubtedly of pernicious tendency; and we know, that this religion has often been employed as an instrument to excite its followers to unjust and unnecessary war. In the Trumpet of the Holy War, to which we have already adverted, it is enjoined, that infidels must either be converted or subdued; and that, where they are obstinate in heresy, their extirpation is an act of holiness, which deserves the most exalted recompense in heaven. This book, however, is not, like the Koran, regarded as of divine authority and origin. It was translated into the Turkish language by order of Solymian II. for the use probably of the youth in his seraglio. The same sultan promulgated a code, called *multeka*, very similar to some of the papal bulls, in which war is earnestly recommended against all unbelievers.

In proceeding to give an account of the decline of the Ottoman empire, we shall in the first place speak of the character of the Sultans. The contrast between the predecessors and successors of Solyman has been often noticed. Prior to his reign, the Ottomans were animated by a spirit so gallant and chivalrous, that we read their history with feelings of admiration, rather than disgust; but the scene is suddenly and completely changed. The Sultans became indolent and voluptuous; internal discord followed; sons rebelled against their fathers; defeats were sustained on the frontiers and at sea; and the weakness of the whole system was at once revealed, when its rulers became incompetent to its direction and control. We will mention some particulars of the history of Selim II., the successor of Solyman, as an illustration of the remark, both because his example was imitated by many succeeding Sultans, and because several essential innovations were accomplished during his reign. Among these changes there was one of great importance. It might appear that the harem would destroy the warlike spirit of its master, but its voluptuousness is not very likely to attach men to domestic life. According to an ancient custom, the mother of the sultan's first-born son was entitled to the highest rank among the females of the harem. Solyman thought proper to violate this usage, by marrying a slave named Roxalana; and a singular narrative of this event is contained in a letter of the French ambassador Codignac. He tells us, that Roxalana was anxious to build a mosque for the salvation of her soul, but it was declared by the *Mufti* (chief-priest), that the pious acts of a slave operated only for the spiritual benefit of the master. To gratify her wishes, Solyman emancipated her; but the free Roxalana being somewhat less submissive to his passion than before, and the *fetva* of the Mufti having determined that she could not become so without sin, he at length married her and settled upon her a pension of five thousand sultanas. The ambition of the lady was not yet satisfied; for she instantly requested Solyman to appoint her son Selim his successor, to the exclusion of Mustapha, his elder son by a different mother, who was much esteemed by the Turks. Upon receiving information of this, Mustapha withdrew from Constantinople; but was immediately denounced as a rebel by his father, who pursued him into Asia, and ordered that he should be put to death. Bajazet, a son of Roxalana, fell also by the hand of



Solyman's executioner, according to a Turkish custom, which requires that all the sultan's younger brothers must be destroyed, when he ascends the throne. Roxalana's projects of ambition were accomplished; and her son Selim was the first in the series of inefficient and degenerate sultans.

During the reign of Solyman a law was abrogated, which exempted the Janissaries from the performance of active military duty, except when they were commanded by the sultan in person. The effect of this change became very obvious in the reign of Selim. Formerly, the sons of the sultan accompanied their father to the field, or were intrusted with the conduct of military operations; and some of the most important conquests had been effected by their ability and valor. From this period, they were banished from the court and the camp, and placed under the charge of a pacha in some remote province, until at last they were actually confined in prison, until the very hour of their accession to the throne. The supreme command must then have fallen into the hands of an individual, who had been during his life deprived of personal liberty, and who, when suddenly elevated to the absolute command of millions of men, must have been intoxicated by the possession of unrestricted power.

In the beginning of his reign, Amurath III., the son of Selim, appeared to be studious, temperate, and manly, and not averse to the hardships of a military life. The following story is related of this prince, in one of the *relazioni*. It has been already mentioned, that a custom of the Turks required every sultan, when he first assumed that dignity, to put his brothers to death. This usage was not of very ancient date; since the brothers of Osman are known to have accompanied him to the field. Amurath, being of a mild and merciful disposition, was anxious to provide for the safety of his brothers before taking possession of the throne; and with this view consulted with his *Muëllim*, his Mufti, and other learned men. So persuaded were they, however, of the necessity of the sacrifice, that his arguments were wholly ineffectual; and he yielded only after he had disputed with them on the subject for the space of eighteen hours. He then summoned the chief of the mutes, and, pointing to the corpse of his father, gave him nine handkerchiefs for the purpose of strangling all his brothers. As he delivered them he wept. It is farther related of him, that he once inquired, after the history of his father had

been read in his presence, what war would be attended with the greatest difficulty? 'War with Persia,' was the reply. 'That,' then rejoined Amurath, 'is the war, which I shall undertake.' But the character of this monarch underwent subsequently an entire change. He soon began to betray a strong aversion for warlike exercises and the chase. The strength of his ruling passions, avarice and voluptuousness, were developed in the seclusion of his palace, where he lived surrounded only by his mutes, dwarfs and eunuchs. By the indulgence of the last of these passions, he destroyed his health; and in regard to the degree in which he was governed by the other, it is said by some of the European ambassadors, that he caused a subterraneous cell of marble to be constructed, in which he annually buried two millions and a half of piastres; and that he melted and coined the golden ornaments of ancient works of art, in order to deposit them in the same cell, the door of which was concealed by his bed. Offices became venal; and nothing but liberal presents could secure his favor. When his audiences were concluded, at which those who brought him the most magnificent gifts were noticed only by an indolent nod, it was his custom to retire to his gardens, where his principal amusements were mock battles with his deformed mutes, singing or dancing women, or lascivious comedies performed by Jews.

Ahmed, who was a sultan of manly and benevolent character, began to reign in 1603, in the sixteenth year of his age. Though his ambition appeared to have been excited by the achievements of Solyman, he effected no enterprises of a warlike character. In fact, no occupation, or pleasure, had power to fix his attention long, and none of his many plans were ever completely executed. His successors, with the single exception of Amurath IV., were men of inferior capacity. That sultan at first gave much promise of talent and strength of character, but subsequently became stern and cruel. In the space of five years, twenty-five thousand persons were put to death by his order, or with his own hand. He attempted to restore the discipline and efficiency of the Janissaries, who had lost much of their former superiority; but his exertions were ineffectual; while, by allowing to Mussulmans the use of wine, besides violating a positive injunction of the Koran, he encouraged disorder and licentiousness among a people, who could be controlled only by rigorous laws.

The *Veziri-Aasam*, or Grand Vizier, who was in reality, as he was sometimes denominated, master of the empire, occasionally supplied by his talent and vigor the want of those qualities in the sultan. During the reign of Selim, the government was administered by Mehmed, by birth a Bosnian. This most able and excellent Grand Vizier received the rudiments of early education in the family of his uncle, a christian clergyman of Java, but was placed while still young in the seraglio of the Grand Seignior, where he was brought up according to the rules of the institution, an account of which has been already given, until he was preferred at length to the highest offices of the empire. The ambassadors have uniformly described him as active, just and liberal, averse to revenge and avarice, and not at all inclined to abuse his unbounded power. His decisions were always prompt and impartial, and the very meanest individual found as ready access to him, and as quick redress of his grievances, as the most exalted. Four days in the week he held a public divan for this purpose. He caused aqueducts, bridges, and public baths to be constructed in every part of the empire; and was particularly attentive to the establishment of caravansaries, where food was gratuitously provided for the weary traveller. From the fear of exciting the Sultan's jealousy, he erected no edifice in Constantinople, excepting a small mosque, in which his twelve children, who were put to death because their father was the son-in-law of Selim, were buried. His power was limited by Amurath III., the successor of Selim, in order to favor the viziers of the *Cupula*, who were subordinate to the *Veziri-Aasam*; but he succeeded in preserving the favor of three Sultans, until at length he was assassinated by a timarli, whom he had for some good reason doubtless deprived of his timar. With him, says Floriani, the virtue of the Turks was extinguished forever. The viziers became no less degenerate than the Sultans; and even those of benevolent disposition were compelled to sacrifice their good intentions to the caprice and avarice of their masters. Sinan, one of the viziers of Amurath, would sometimes present him with two hundred thousand zekins in order to secure his favor, while the Capudan Cicala openly declared, that he was compelled to resort to piracy, to find the means of making similar presents. The vizier was no longer selected only from among the slaves of the seraglio. Great calamities were also brought upon the people by the



frequent change of these officers. Extortion appeared to constitute their sole qualification. In fact, the whole system of government became little better than a vast system of extortion. Regardless of the proper business of their office, the viziers lived in a style of luxury and splendor scarcely surpassed by that of their masters ; and their example was speedily imitated by all the inferior officers of the empire. All the true objects of government were utterly neglected. The name of ruler had no other meaning than that of a robber and disturber of the peace. Factions arose within the very walls of the seraglio ; and the Kiskar-Aga, chief of the black eunuchs, became a personage of great influence and dignity. In the mean time, the changes of the viziers became more and more frequent ; for nothing more was required for their removal, than to send the executioner to them with a cord—an intimation, upon receiving which, it was the duty of the individual to whom it was addressed, forthwith to hang himself. This summary process was the approved Turkish method of reform.

So long as their ancient customs underwent no change, the Janissaries were almost invincible ; but they also participated in the universal spirit of degeneracy, and became turbulent and ungovernable. About the time of Selim's accession, Mehmed, the Grand Vizier just mentioned, had obtained possession of Sigeth, a small fortress in Hungary ; but having refused to allow the Janissaries the present, which was usually given when a new sultan was girded with the sword of Osman, they deserted him, and hurried back to Constantinople in a state of great disorder. They reached the city before Selim had arrived from Asia, and declared that the Sultan should not be permitted to enter the seraglio, until they should receive in addition to the customary present, a promise of increased pay, and permission to enrol their sons as members of their body. All efforts of the viziers to induce them to return to their duty, were wholly unavailing. In vain did their Aga throw himself into the midst of them, with the handkerchief, the instrument of execution, bound upon his head. The gates of the seraglio were not opened, until all their requisitions had been complied with. This was the first in the series of those revolts and massacres of the Janissaries, by which so many Sultans subsequently perished. Thenceforth, like the prætorian guards of Rome, they became the absolute controllers of the succession to the throne. The sword of Osman had hitherto descended

regularly from father to son ; but they chose to confer the sovereignty on Mustapha, the brother of Ahmed, whose life had been spared by the latter, because, being an idiot, he was regarded among the Turks as an oracle. Shortly after, they deposed Mustapha and called Osman, Ahmed's son, to fill the vacant throne ; but being soon dissatisfied with their new Sultan, they dragged Mustapha, who had been confined in a subterraneous cavern, forth again to light, and at once restored him to his former dignity. But this strange ruler was destined to experience a repetition of his former disaster ; being deposed a second time, and compelled to surrender his authority to Amurath IV., the second son of Ahmed, who succeeded in setting his benefactors at defiance by his relentless cruelty, and by the murder of their chief. As a military corps, however, the Janissaries were at this time far less efficient and powerful than at any former period. In addition to the change of their ancient customs, to which we have already adverted, they were permitted by Ahmed to engage in commerce and the mechanical arts ; until at length they became the laughing-stock of Christian armies. The forcible capture of Christian boys was abandoned as early as the middle of the seventeenth century, very fortunately for the Greeks, whose struggle for independence must have been delayed much longer, if their finest youth had continued to be torn from them and placed in the seraglio.

Native Turks began now to be admitted to the highest dignities, and the habit of blind obedience was gradually abandoned. Every subject is supposed to be the slave of the sultan ; but there is a wide difference between the subjection of a native Turk, and of a pupil of the seraglio. The sipahi, after the admission of the Turks into their ranks, became like the Janissaries, turbulent and factious. In 1589, they compelled the Grand Seignior to reinstate Sinan, who had just been deposed in the office of Grand Vizier. Nor was the degeneracy of the timarli less rapid in its progress. The timars, which had been originally granted to the sons of sipahi only, were bestowed upon many others. Like the sultans, pachas and sandgiacks gave them to their favorites, or sold them to the highest bidder. The obligation to maintain a certain number of horsemen, and to exercise themselves in the use of arms, was entirely disregarded. Aini, a feudal officer of Ahmed, complained most bitterly of these abuses. He declared, that reviews

of the sipahi were abandoned ; that a sandgiack, bound to maintain a hundred horsemen, actually maintained hardly fifteen ; and that no more than a tenth part of the enrolled number, ever made their appearance. In the reign of Selim II., Nasut, his Grand Vizier, fell into disgrace in consequence of his efforts to reform these abuses. They were in the first instance owing to an innovation made by Solyman, in bestowing timars upon the sons of foreigners. All these different institutions had been formerly kept separate with the greatest care, and when this ceased to be the case, they soon lost all their efficiency and character.

We have thus given a brief sketch of the decay of those institutions, on which the greatness of the Ottoman empire was founded ; and singular as the fact may appear, this decline may be traced as far back as the reign of Solyman, whose power exceeded that of any other contemporary sovereign. It was then that the women of the harem first began to exert an influence in the management of public affairs. It was by his appointment, that the sceptre passed at his death into the hands of the least efficient of his sons. The changes made by him in the feudal system were important and numerous. With his reign, the progress of Ottoman conquest was arrested. He had already carried his victorious arms into Persia in the East, and as far as Vienna in the West ; and the valor of Barbarossa had rendered him master of the Mediterranean. But a sad reverse awaited his successors. The Persians, though far inferior in power and numbers, supplied their defect of power by their veneration for the Shah ; and resorted against the Turks to the same experiment of laying waste their country before the enemy, which has more recently been employed by the Russians against a modern despot, while in the West, the advances of the Ottomans were checked by the energy and vigor of the House of Hapsburg. Their attempts to capture Malta were unavailing. It cost them prodigious efforts to reduce a few small castles in the Austrian part of Hungary ; and their maritime power was broken by the defeat which they sustained at Lepanto in 1591, a blow from which their navy has never yet recovered.

It was the natural effect of the institutions which we have mentioned, that the Turks remained a peculiar people, distinct and separate from the inhabitants of the countries, which they overran. In fact, they were never really established in



those countries, as the Germans were in Courland, or the Normans in Great Britain ; but resembled rather a garrison, or an army of occupation. Far from imitating the industry of those countries, they endeavored to destroy it. Instead of advancing in civilisation themselves, they obstructed the progress of every subject nation. They of course experienced no sympathy or support. They were regarded only in the light of inexorable and oppressive masters ; and they were secure only so long, as the oppressed could find no means of effectual resistance ; so long only, as they continued to be united, well-disciplined and vigilant. Neither the constitution of the empire, nor the character of the Turks, were at all favorable to the progress of civilisation, even among themselves. It is true, that they have been frequently pronounced by travellers, among the rest by Lord Byron, to be better than the Greeks ; and we have some personal knowledge of the correctness of this assertion. Nor is this surprising. Where oppression has been long-continued and severe, the spirit of the master is always loftier and more generous than that of the slave.

We intended only to give a brief outline of the causes of the decline of the Ottoman empire ; and the task would be by no means uninteresting of tracing the history of that decline down to the period, when the present Sultan Mahmud II., attempted to introduce many European improvements and modes of organisation. The corps of Janissaries, as is well known, was dissolved if not destroyed by him in 1826. What would have been the natural effects of this measure, it is useless now to conjecture. This fact at least is certain, that the Turks were never less powerful than at the moment of the late invasion ; and their imbecility appeared so much the more striking, from having been previously in a great measure concealed by that envy and jealousy, which induced several of the European powers on all former occasions of the kind, to uphold and strengthen them, and to arrest the progress of their assailants.

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ART. III.—*Catalogue of the Pictures exhibited at the Fourth Exhibition in the Gallery of the Boston Athenæum.* Boston. 1830.

The community are in our opinion deeply indebted to the proprietors and trustees of the Athenæum, and especially to the public-spirited and intelligent gentlemen composing the committee employed for this purpose, for their unwearied and very successful exertions to organise an annual exhibition of paintings in this city. A spectacle of this kind, continued for a series of years, and afforded at a price, which places it within the reach of almost every citizen,—while it furnishes a cheap, rational and elegant entertainment,—serves at the same time to refine and exalt the character of the people. Painting—like eloquence, poetry, and the other fine arts—is one of the developments and exhibitions of the higher and better principles of our nature. The cultivation of the art, and the habit of seeing and admiring its products, tend in connexion with other causes to raise the mind above the sordid interests of a merely material life. It has often been said—and probably with truth—that the peculiar grace and softness of manner, which distinguish the Parisians of all classes, have been derived in part from the effect of a frequent contemplation of the treasures of art contained in the Gallery of the Louvre. The poet Goethe mentions as one of the means which he employed for maintaining his taste and talent in a progressive state, that he had crowded his study with the finest specimens of sculpture and painting, which he could procure. Nor is the advantage confined to an amelioration of the mere external forms of social life or a heightening of the aptitude for excellence in other branches of art. The taste for Beauty in art and nature is nearly allied to the love of Good—so nearly indeed, that it has often been doubted whether Beauty be any thing more than a visible manifestation of those amiable moral qualities of which the mere idea fills the heart with delightful emotions, and confers a charm on every person or thing with which they appear to be associated. However this may be, it is certain from experience, that a familiar observation of the beautiful forms of nature and the imitations or expressions of them in works of art, has the effect of cherishing the benevolent affections, repressing evil passions, and improving the general tone of moral feel-

ing. In a community like ours, where the disposition to active pursuits, and the selfish views and angry controversies that are naturally connected with them, is perhaps too strong—where the form of the government keeps up an almost uninterrupted war of political parties—it is highly important that every principle of a soothing and civilising tendency should be brought as much as possible into vigorous action. The cultivation of the arts, if not the most effectual of these principles,—and we are not disposed to exaggerate its influence,—nevertheless has its value. It comes in aid of the great and essential elements of civilisation, which are found in a judicious system of political and religious institutions, and gives the last polish to the character of men and nations. Nor is it any objection to the encouragement and cultivation of the arts, that they may be and have been made subservient to the purposes of vice. If it were, we should be obliged to abstain from the use and enjoyment of all the good gifts of nature. It may also be remarked, that in a young and progressive community like ours there is very little danger of such a result. The abuse of art for the purpose of flattering licentious passions is always a symptom of its decline, and indicates rather than produces a corrupt state of moral feeling. While the condition of society is healthy, and the arts are flourishing, the artist is in general found to be endowed with a pure and ‘excellent spirit.’ Art is then like the Archangel in Milton’s Poem—

Severe in youthful beauty.

She draws her inspirations from the high and holy sources of religion, and dwells in preference on subjects connected with serious contemplations. The artists of the age of Leo X. rarely employed their pencils upon any other than scriptural scenes; and this very circumstance is doubtless one among the causes of their extraordinary success. They rejected with unerring instinct, rather than on fixed principles or from any calculation of probable effect, every low idea as inconsistent with the train of their habitual studies, and such must ever be the case with those who have actually attained or are capable of rising to real excellence. We may add, that experience fully confirms the opinion, that in this country there is very little danger of the abuse of art. In painting—and the same may be said of the sister arts of eloquence and poetry—the prevailing style and the only one which meets with any



public favor is of the severest cast. This circumstance, independently of its other beneficial effects, may be looked upon as one of the most flattering prognostics of the progress which the arts will probably make among us. The only important exception to the uniformly pure and correct character of all the products of art in this country is to be found in our theatrical entertainments, which have hitherto been merely copies of the worst models that are furnished by the corrupt societies of the old world. If the managers of these entertainments would try the experiment of making them—as they might be made—schools of good feelings and principles, instead of nurseries of vice, they would soon find in the increased patronage bestowed upon them, the difference between obeying the just demands of the public sentiment, and treating them—as they now do—with continual and systematic outrage.

The exhibition of this year was not perhaps quite equal to some of the preceding ones. It contained, however, a considerable number of first-rate works of the old masters, several beautiful copies of originals in Europe, and a variety of excellent native productions in the different walks of this enchanting art. We propose to offer a few remarks upon some of the pieces which more particularly attracted our attention. It is impossible in a single article of this kind to exhaust the subject, and we shall not be understood to intimate that other pieces may not be equally or perhaps better entitled to notice. In making a selection, we must of course prefer those in which we felt the deepest interest, although this interest may have been in some cases the effect of accidental and local causes.

Among the works of the old masters exhibited on this occasion, the most remarkable was the *Martyrdom of St. Lawrence*, by Titian. This large picture, belonging to Mrs. Meade of Philadelphia, is an undoubted original, in the best manner of that great artist, and in a state of complete preservation. It exhibits in full perfection the beauty, mellowness, and perfect truth of coloring, which formed the characteristic excellences of Titian, and in which he has never been surpassed. In the moral expression of his personages—the highest effect of the art—his superiority in this, as in his other works, is less decided. It is even somewhat difficult to determine precisely what expression he intended to give to his principal figure. St. Lawrence—as our readers will of course recollect—suffered martyrdom in the not very poetical form of being broiled

to death upon a large gridiron. In the picture of which we are speaking, the Saint is stretched at his length on this instrument of torture over a blazing fire, which two or three executioners are engaged in stirring and feeding with fuel. In the legend the gridiron is said to have been heated red hot before he was placed upon it. In the painting, there is, however, no effect of fire observable, either on the person or drapery of the martyr, and his face is turned upward with a perfectly serene and tranquil expression. It was probably the design of the artist to intimate by this expression, the triumph of religious faith and hope over bodily anguish ; but it is hard to conceive that the effect should extend so far as to guarantee the limbs and even the drapery from the action of fire. It would be therefore more natural to imagine that Titian meant to indicate a supernatural interposition in favor of the Saint, like that which is represented as having taken place at the martyrdom of St. Polycarp, when the flames that were kindled at the foot of the stake to which he was attached, retired as they rose from the person of the holy man, and formed a sort of hollow sphere around him, refusing even to singe a hair of his head. But it is hardly probable that Titian would have varied from the legend, which states that St. Lawrence actually suffered death in this form ; and we may therefore conjecture that he probably sacrificed the truth of his painting, in order to avoid the exhibition of the disgusting image of mere physical suffering. In other respects, the image of nature is admirably preserved. The ferocious countenances of the executioners contrast finely with the sweet expression of the suffering Saint. The figures are well drawn and grouped, and the painting wears in every part the appearance of a carefully wrought and highly finished production.

This fine picture was purchased in Spain by Mr. Meade, formerly our Consul at Cadiz, and was no doubt painted at Madrid, where Titian resided for several years. Although the subject is in some respects not a very seducing one, he appears to have painted it a number of times. We have had the pleasure of seeing another picture of his on the same subject, though varying a little from this in the details, in the Chapter-House of the Convent of the Escorial, and we are informed that there are two or three more in existence. The first was probably executed for the purpose of being placed in the Escorial, the subject having been selected with a view to this

destination. This convent, as our readers are probably aware, was erected in honor of St. Lawrence.—Its proper style and title is the Convent of the Royal St. Lawrence—*San Lorenzo el Real*—the name *Escurial* or *Escorial*, as it is written in Spain, being that of a neighboring village, and, as is generally supposed, a corruption or modification of the word *scoriae*, which expresses the cinders and rubbish proceeding from a mine that was formerly wrought on this spot. It is well known that Philip II. before going into the battle of St. Quentin—which was fought on St. Lawrence's day—made a vow that if he gained the victory, he would erect a convent in honor of the Saint, and in the shape of the instrument on which he suffered martyrdom. Having in fact won the day, the King, or rather the ingenious and justly celebrated architect Herrera, whom he employed, not only executed this vow to the letter, but contrived at the same time to produce a building, which is justly considered as one of the finest specimens of modern architecture. It would be hard to imagine beforehand how so handsome an edifice could possibly be built upon a model apparently so ill adapted to the purpose ; but the architect by a happy exertion of ingenuity, similar to that by which Columbus succeeded in setting his egg upright upon its smaller end, removed at once the principal difficulty, by turning the gridiron upon its back with its legs upwards. The achievement was now comparatively easy, and the building to be erected susceptible of a high degree of architectural beauty. It is constructed of a handsome reddish freestone, in the form of a hollow square, the four sides of which are connected together by several lines of buildings crossing each other at right angles, and enclosing a number of small courts. The four sides represent the frame, and the interior buildings the bars of the machine, while at the points where they intersect each other, and at the four corners of the main edifice are placed towers, which represent the legs. From the side opposite the main entrance projects a wing, which forms the handle. This wing with a part of the side of the main edifice adjoining it, is occupied by the Court when they take up their residence at the Escorial. The remainder of the building consists of the large and truly magnificent church, two libraries, and the public and private apartments appropriated to the use of the monks who inhabit the convent. One of the libraries contains the collection of Arabic Manuscripts, which is considered the richest in Europe.



We found on inquiry, that there is at present no person in the convent who reads that language. The exterior of the building is decorated with great taste, and the general appearance is simple, imposing, and on the whole highly satisfactory. It stands on the declivity of a mountain; and at a considerable height above is a stone seat—called Philip's Seat—where the interior courts are distinctly seen, and the gridiron principle of the plan becomes apparent in all its beauty. On this seat the gloomy despot who ordered the construction of the building was accustomed to repose in his solitary walks, and contemplate, no doubt with great satisfaction, the complete success with which he had executed his pious and somewhat singular design. The interior of the convent is adorned throughout with the choicest productions of the pencils of the first artists. The principal stair-case was decorated by Jordaens, and is considered his finest work. The cloisters were painted in fresco by a celebrated Spanish artist, called from his having been dumb, *El Mudo*. The public apartments are hung with the masterpieces of Raphael, Titian, Rubens, Murillo, Velasquez, and the other principal painters of the Spanish and Italian schools. In the sacristy is to be seen among other beautiful pieces a celebrated Holy Family, by Raphael, which on account of its singular perfection, is commonly called the *Pearl*, and which was purchased for the King of Spain by his Ambassador at London at the sale of the paintings of Charles I. In the Chapter-House is the *Madonna de la Pez*, or Virgin with the Fish, by the same great artist, which is reckoned in like manner one of his capital pieces. The subject is singular, and if taken literally involves a good deal of anachronism. The young Tobias of the Apocrypha, holding a fish in his hand by a line, is presented to the Virgin. She is seated as usual with the infant Jesus in her arms, who is eagerly extending one of his hands to grasp the fish, and with the other is playing with the leaves of an open bible, which St. Jerome is perusing on the left. The painting is commonly supposed to be an allegorical representation of the admission of the Apocryphal books into the Canon of Scripture by the Council of Trent. This piece, with the *Pearl*—the *Pasmo di Sicilia*, now in the museum at Madrid, by the same artist, which was painted as a companion-piece to the *Transfiguration*, and is considered next to that as his best production—and a number of other pictures, was transported to Paris during the period of the French ascend-

ency in Spain, and exhibited for several years in the Gallery of the Louvre. They returned after the abdication of Bonaparte, varnished and *restored* in a way, which has not been thought by competent judges to increase their value. In the same apartment with the *Madonna de la Pez* is the *Martyrdom of St. Lawrence*, by Titian, which has led us into this little digression. It is not in so fine a state of preservation as the one which was exhibited at the Athenæum, having suffered a good deal of late, in common with many of the other pictures in the Escorial, from want of attention. It still, however, produces great effect.

Among the other paintings of Titian preserved at the Escorial, is a remarkable piece commonly called *Titian's Glory*, which did not obtain the dangerous honor of a transportation to Paris, and consequently exhibits at present the real touches of the masterly author in a state of greater purity than it would have done if it had undergone a reparation by a modern French painter. The hint of this superb picture seems to have been borrowed from the *Transfiguration* of Raphael, and the general aspect of it is somewhat similar although its subject is wholly different. The painting exhibits the various orders of the heavenly host in the act of adoring the Supreme Being. The three persons of the Holy Trinity, drawn with their usual attributes, dressed in sky-blue drapery and surrounded by a *Glory*, which gives its name to the painting, occupy the upper part of the canvass. They are nearly in the attitudes of the three principal figures in the *Transfiguration*. Below are the saints and angels—'Dominations, Princedoms, Virtues, Powers'—gazing upwards with adoring looks at the object of their worship. The subject of this picture is conceived in a loftier tone of thought and feeling than that of any other piece of Titian's, which we have seen, and the execution does it perfect justice. The work, however, does not seem to have been fully appreciated by its present possessors. It now hangs without a frame in a small room, which serves as a sort of passage from one part of the convent to another, but which contains, it is true, some other very fine pieces. It was probably owing to its being kept in this comparatively obscure place that it was not carried to Paris. In the same room is an exquisite *St. Catherine* by the same artist—a single figure in a green drapery, discovering one leg and foot, which have often been cited as models of perfection for this part of the

female form. There is a repetition of this charming piece in the museum at Madrid, where there are also a number of other fruits of the labor of the same indefatigable and prolific genius while in Spain. We may mention particularly the portrait of Charles V. on horseback, the *Danaë*, the *Ariadne* and the two full length portraits of the Princess of Eboli, sometimes called the *Venuses*, from their being entirely without drapery. This celebrated favorite of Philip II. figures to more advantage under the pencil of Titian than she does under the pen of Schiller, who has introduced her as one of the characters in his tragedy of *Don Carlos*. It is rather a singular circumstance, that with no recommendation but mere beauty she should have had the fortune to be handed down to immortality by the separate labors of these two masters in their respective arts. In all these pieces the art of coloring—especially in its application to the human body—is carried to the highest perfection which it has ever attained or is probably capable of attaining. We well remember the air of satisfaction with which the distinguished Scotch artist Wilkie, with whom we had the pleasure of going through the museum at Madrid, pointed to the figure of *Ariadne*, and pronounced it a piece of real flesh and blood. For this reason the works of Titian are excellent studies, more especially at a time when the example of the modern French school has a tendency to diffuse a false taste in this branch of the art. We are highly gratified that so fine a work of this great colorist as the one we have been considering should have been obtained for the Exhibition, and only regret that the funds of the Athenæum were not in such a state as to allow of its purchase. It is true, that the subject is not so attractive as might be wished; but it is rare that a first-rate painting by this great master is for sale even in Europe, and a century may probably elapse before another opportunity will occur for procuring one in this country.

Having had occasion to advert to the collections of paintings that are found in Spain, we proceed in this connexion to mention, as one of the principal ornaments of the Exhibition at the Athenæum Gallery, the fine picture, by Murillo, of the *Meeting of Rebecca and Abraham's Servant*. This we are happy to say belongs to the institution, and has of course appeared at the preceding exhibitions, but is well worthy of continued notice and attention. It is not indeed by any means so



good a specimen of the manner of Murillo as the *Martyrdom of St. Lawrence* is of that of Titian; and it also appears to have suffered some injury, but it is nevertheless an undoubted original, and has much of the sweetness, grace and truth to nature that characterise the best of the author's works. Under the head of this picture we find in the Catalogue the following remarks.

‘Bartolomeo Esteban Murillo was born in 1613, and died in 1685. He showed a very early inclination for painting, and received instruction from his uncle, Juan del Castello, and afterwards from Velasquez. He was employed by the King of Spain to paint several historical pictures, but his favorite subjects were beggar boys in various exercises and amusements. His coloring is mellow, his tints clear and skilfully opposed by proper shadows. His pictures are in great esteem throughout Europe, but few of them have reached this country. This picture has been much injured. Its great merit is, however, apparent, and has been appreciated by the community.’

This brief notice, though in the main correct, and perhaps as complete as it could be made consistently with the limits of a Catalogue, hardly does justice to the extraordinary merit of the great artist in question. Although his works are, as is remarked in the Catalogue, in great esteem throughout Europe, they are nevertheless not so generally known and valued even there as they would be were they more favorably situated for the observation of artists and travellers of taste. They were all painted in Spain. Very few of them have found their way into the other parts of Europe; and as Spain has been for a century past entirely out of the regular line of travel, whether for business or pleasure, the treasures of art, which are contained in the Spanish collections, have been sequestered, as it were, from public view. Hence the names of Murillo, and his master Velasquez, are much less familiar to the European public than those of many Italian and Flemish artists of inferior merit. Several fine works were, however, carried to Paris by the effect of the late political movements, and the engravings that have recently been published at Madrid of the paintings in the museum have made them better known abroad than they were formerly. We were informed by Wilkie that the Spanish painters Murillo and Velasquez were very inadequately appreciated in England, and that he had himself no idea of the extent and value of their productions until he

met at Rome with the collections of engravings to which we have just alluded, and which afforded him so much satisfaction that he immediately determined on a visit to Spain for the express purpose of seeing the originals. The high expectations he had formed of them were entirely equalled, if not surpassed, and his correspondence on the subject with the late President of the Academy will have contributed much to rectify the opinions of the British artists on this subject, and to give a new idea of the merit and richness of the Spanish school.

From the tenor of the above extract it would be natural to conclude that low life was the favorite walk of Murillo, that he had deviated into the historical department in compliance with the wishes of the king, but that his success in this branch had been less remarkable than in the other. This idea of the nature of his talent is, however, incorrect. Like all the artists of his time, he painted principally for churches and convents, and of course on scriptural subjects, from which every allusion to low life is necessarily excluded. His acknowledged master-piece is a large picture in one of the convents at Seville, on the subject of *Moses striking the Rock*. This grand work has been thought by many competent judges to bear away the palm from the *Transfiguration*, and is admitted by all to be one of the noblest efforts of genius in existence. His taste was, however, undoubtedly for grace and sweetness rather than sublimity, and he accordingly excelled in his Holy Families—a favorite subject with him, as with all the painters of the day. There is one in particular in the museum at Madrid of pre-eminent beauty, in which the Virgin is represented as in a sort of extacy, with one foot resting on the crescent moon,

‘With eyes upraised, as one inspired,’

robed in a flowing blue and white drapery and surrounded by a glory that fills the back ground of the picture. For truth of drawing, spirit and felicity of composition, and a peculiar brilliancy and charm of coloring, the manner of Murillo in this and his other best pieces could not well be surpassed. His figures have been thought to want in some degree the high intellectual expression that distinguishes those of the great masters of the Italian school, and which is no doubt the loftiest attainment to which genius in the art can aspire. Had he combined this with his other excellences he would

probably have excelled most other modern painters. The faces of his Virgins are said to have been copied from that of his daughter. They have a charming simplicity and sweetness of expression, inclining, however, to childish weakness rather than to the poetical elevation, which must naturally be supposed to form the other ingredient in the character. Murillo was uncommonly happy in his delineations of boys, but they were by no means always placed, as might perhaps be imagined from the above extract, in situations connected with common life. His two separate pictures of the *Infant Saviour* and the *Infant Baptist*, in the museum at Madrid, are among the most exquisite productions of his pencil, and surpass perhaps any other work on a similar subject, unless we except the *Young Samuel* of Sir Joshua Reynolds, which seems to realise the idea of absolute perfection. But though the talent of Murillo was not confined to the delineation of common life, it is nevertheless true that he greatly excelled in this as well as in the higher walks of his art. *The Pet Kitten* of the Exhibition is a specimen of his manner in this line, but, if an original, is not one of his best pieces. In a large picture, in the Academy of the Fine Arts at Madrid, representing the exercise by Isabella, Queen of Castile, of the faculty formerly supposed to be inherent in all royal personages, of curing by the touch certain cutaneous diseases, the artist has combined, injudiciously perhaps, the expressions peculiar respectively to high and vulgar life. The Queen, surrounded by her court, and with the air of dignified solemnity and deep interest, which would naturally accompany the use of her miraculous gift, is washing the head of one little urchin, while another, who stands by the side of the basin waiting for his turn, affords himself a temporary relief by scratching with both hands, and displays an irresistibly comic expression of countenance. This piece, though, as we have intimated above, defective in its plan, is in point of execution one of the most successful and perfect of Murillo's works.

It is remarked in the Catalogue that but few of the works of this artist have reached our country. There are some in the collection of the Academy of the Arts at New York; but the best on this side of the Atlantic is probably the *Roman Charity*, in the collection of the Academy of the Arts at Philadelphia. This was purchased by the Academy of our countryman Mr. Rich, formerly our Consul at Valencia. While in his



possession it had suffered some alteration from the effects of the rather exaggerated delicacy of a contemporary Spanish artist of considerable merit, named Lopez, now chief painter to the King of Spain. In the picture, as it came from the hands of the artist, and into those of Mr. Rich, the neck and breast of the female figure, who, agreeably to the well-known anecdote, is represented nursing her father in prison, were discovered. There seems to be little in such an exhibition at which the purest mind need to be alarmed. The scrupulous Spaniard, however, took it amiss, and resorted to a very summary process for abating the nuisance. He had prevailed on Mr. Rich to lend him the picture for the purpose of studying it at home, and while he had it in his possession, without consulting the owner, very kindly supplied the fair Roman with a handkerchief from his own pallet. In plain English, he coolly set himself to work and painted over the bust of the female figure with a sort of shawl or mantle, apparently without reflecting whether something were not due to his neighbor's right of property as well as to what he doubtless considered a just delicacy. We have not had much opportunity to examine this picture in detail, but have been informed by Mr. Rich that it is in the best manner of the artist. Its actual value is perhaps a little diminished by the injudicious *reform* to which we have alluded; but it will probably attract hereafter more rather than less attention from having been the subject of so curious an anecdote.

Velasquez, the master of Murillo, is less known beyond the limits of his own country, than his great pupil, but is generally regarded by the Spaniards, and by such other persons as have had the opportunity to appreciate his merit, as being, in some respects at least, the superior artist. For truth to nature in drawing and coloring, his works may be considered as approaching the point of actual perfection, and they would form the best possible study for such proficients in the art as were in danger of being seduced by the false brilliancy of the modern French school. We must confess, however, that in our judgment Velasquez errs a little on the other side, and that his coloring, though admirably fresh, distinct and true, is rather cold. In the Catalogue of the Paintings in the museum at Madrid the manner of this great artist is described in the following terms.

‘Velasquez possessed a genius for painting of the very first

order. He united a brilliant imagination and a singularly correct judgment with great industry. The beauty and felicity of his drawing are admirable ; and his coloring, while it is perfectly true to nature, has a peculiarly seductive grace. What harmony and correctness in his landscapes ! The illusion is there so perfect that we can hardly realise, at a little distance, that we are viewing a picture and not the thing itself. No artist ever understood better the effect of light and that aerial perspective which regulates the size and hue of objects according to their distance. In short, he had improved his strong natural talent for the art by the most careful and judicious course of study and practised it with complete success in all its parts. It may be said with safety, that there was more truth in his coloring and more firmness in his drawing than in those of even Titian. The means employed are seen more distinctly on a near examination without the least diminution of the general effect at the proper distance.’

The museum at Madrid is rich in the works of this great artist, which consist principally of historical pieces and portraits. Among the latter may be noticed particularly those of Philip IV. and his Queen Doña Mariana of Austria, under whom he flourished, and those of their son the Infante Don Baltazar Carlos, and of the celebrated Count-Duke Olivares—the two last on horseback. A portrait of one of the Princesses of the royal family, daughter of Philip IV., is even more remarkable, and is thus described in the Catalogue.

‘This is a portrait of the Infanta Doña Margarita Maria of Austria, daughter of Philip IV., receiving a glass of water from one of her ladies. In the list of the spectators is the artist himself with his pallet in his hand taking the portrait of the Princess, and on the right are the two dwarfs Nicolas Pertusano and Maria Barbola, who are endeavoring to amuse her and are playing with a favorite dog. This picture is admirable for the correct drawing and ingenious composition, but especially for the wonderful effect of light. The apartment seems to be filled with a kind of vapor, which surrounds and removes all the objects that require to be represented as more distant. It is a singular proof of the talent of Velasquez, that he succeeded in placing in the middle of the piece an open door, admitting a light so strong that it brightens the door, the staircase behind it, and the person who is going out,—the whole executed with perfect truth and yet without injuring the general

effect. This picture is a sort of miracle in the way of perspective, both aerial and linear. It was called by Giordano the *Painter's Bible*, (*La Teologia de la Pintura*.)

Among the history pieces of Velasquez in the same collection may be mentioned the *Surrender of Breda* to the Marquesses of Spinola and Leganes in presence of the armies of Spain and the Netherlands. 'This,' says the Catalogue, 'is one of the capital pieces of this artist. The plan is well conceived, the composition skillful, the drawing correct, the expression spirited and noble, the coloring rich and true, and at the same time so bold, that we may safely say that Velasquez alone could have ventured, as is done here, to introduce a mass of strong light between the Spanish army and the escort of the Flemish general. We admire the art with which he groups together the figures thus separated by the friendly attitude of the Spanish General throwing his arm over the shoulder of the Governor of the fort. The horse of Spinola is painted with extraordinary truth. In the back ground is a vast plain extending to the horizon. It is a low, moist country, corresponding with the real character of the scene of the action, and covered with burning castles and villages, which show too well the fatal consequences of war.'

A fancy-piece by the same artist, representing the interior of a carpet-manufactory, and commonly called *The Spinners*, (*Las Hilanderas*), is considered one of his happiest efforts, and is thus described.

'In the back ground are some ladies looking at carpets. On the front of the picture is a woman spinning and talking with another, who is drawing a scarlet curtain. At a little distance is a girl carding wool. On the right of the spectators is a young woman winding yarn, whose features are not visible, although we may be sure that they are handsome from the beauty of her shoulder, and another, who has in her hand a sort of basket. This picture,' says the commentator, 'was painted off-hand, with a bold, free, and playful pencil. The skill with which the artist has harmonised the different lights, which he has introduced into it, is truly marvellous.'

We have been led to make these brief remarks on the general manner of Murillo and Velasquez for the purpose of turning the attention of the public to the merit of two great artists, who are not sufficiently known beyond the limits of their native land, and in the hope that opportunities may occur for



acquiring a greater number of their works in this country. We must now proceed, a little more rapidly than we have thus far done, in our survey of the paintings exhibited at the Athenæum Gallery.

Of the other original pieces of the old masters, may be mentioned particularly *The Laughing Boy*, by Gerardo delle Notti, which, as a mere specimen of effect in the disposition of light and shade, was undoubtedly by far the most powerful picture in the Exhibition. The artist, whose real name was Gerard Honthorst, obtained the one above quoted, by which he is usually known and which means literally *Gerard of the Nights*, or, according to the English idiom, *Gerard Night-Piece*, from his extraordinary talent for producing the effect of lamp-light. The two large paintings, representing respectively the fish of the Bay of Tarentum and of the Bay of Naples, from the collection of Joseph Bonaparte, though the subjects are not attractive, nevertheless afforded great pleasure from the spirit and truth to nature, which distinguish the execution. The *Jacob wrestling with the Angel*, by Domenichino, belonging to Mrs. Meade, is a valuable production of one of the most distinguished Italian masters. Domenichino, or *little Dominic*, as he has been affectionately denominated by the *dilettanti* of his country, was less prolific than some of his great predecessors and contemporaries. The extreme correctness and high finish of his pictures account in part for the comparative slowness with which he appears to have wrought. A *Seaport*, by Claude Lorraine, a *View of the Lake of Thrasymene*, by Vernet, and several landscapes with figures, by Salvator Rosa, furnished interesting specimens of the manner of their respective authors. The Vernet, in particular, was a very beautiful landscape. We may also mention as among the most remarkable old pictures, the *Joseph and his Brethren*, by an unknown master, the *St. Francis*, by Tintoretto, and the *St. Anthony*, by Luca Giordano, all large pieces, from the collection of Mrs. Meade; the *Lady drinking*, by Terbourg; the *Dying Seneca*, by Vandyck; the *Views of Venice*, by Canaletti, and the head of a Madonna, by Sasso-Ferrato. These, with a number of others, to which we cannot now advert, are well entitled to a more detailed notice; but the space we have already occupied reminds us that we must leave this branch of the subject and proceed to make some remarks on a few very highly finished copies of originals in Europe, which formed a part of the Exhibition.

The most interesting of these was a copy of the celebrated *Descent from the Cross* of Rubens, by F. de Brackelaer, a Flemish artist of great merit. It has recently been imported from Europe by Colonel Perkins, the distinguished President of the Athenæum, whose continued exertions and liberal contributions for the promotion of learning and the arts have justly entitled him to the gratitude of the community. The work was executed under very favorable circumstances, the original having been placed in the hands of the artist, on its return from Paris, for the purpose of being prepared for its new position in the Cathedral at Antwerp. The size of the copy is greatly reduced from that of the original, but it gives in other respects a most exact and faithful representation of it, and is itself a very superior picture. It includes the two companion-pieces, which were placed on the right and left of the *Descent from the Cross*, when it occupied its original place as the altar-piece of the Cathedral, and which represent respectively the *Salutation of Mary and Elizabeth* and *Simeon bearing Christ in his arms*.

The *Descent from the Cross* of Rubens is, as is well known to every lover of the art, the master-piece and pride of the Flemish school, as the *Transfiguration* of Raphael is of the Italian, and the *Moses striking the Rock*, by Murillo, of the Spanish. In this noble production the characteristic beauties of the great author, and of the school which he adorned, are exhibited in their highest perfection, and with the least mixture of the defects by which they were accompanied. The richness and beauty of the coloring, the skill displayed in the grouping of the figures, and the truth, with which they exhibit the passions and affections belonging to their respective characters, are really admirable, and we scarcely notice in the midst of so many excellences the slight defects in taste—*vestigia ruris*—that linger even here round the pencil of the illustrious Fleming and depress his work a little below the complete perfection of the unrivalled Italians. It is remarkable that Sir Joshua Reynolds, who appears from his Lectures to have been hardly satisfied, at least on a first inspection, with the manner of Raphael, bestows the most unqualified commendation on this production of Rubens.

‘The Christ’—he remarks, as quoted in the Catalogue—‘is one of the finest figures that were ever invented. It is most correctly drawn, and in an attitude of the utmost difficulty to exe-

cute. The hanging of the head on the shoulder, and the falling of the body on one side give such an appearance of the heaviness of death, that nothing can exceed it.'

On the companion-piece representing *Simeon bearing Christ in his Arms*, Sir Joshua remarks that it is 'admirable indeed; the head of the priest more especially, which nothing can exceed; the expression, drawing, coloring, are beyond all description, and as fresh as if the piece were just painted.'

This superb picture was transferred to Paris by the French when they took possession of the Netherlands, and remained for several years in the Gallery of the Louvre, where we had the pleasure of seeing it in 1812. It appeared to advantage in immediate comparison with the finest works of the greatest painters of all countries, among which it was then placed, and was regarded by all as one of the two or three first, by some as the very first piece in the collection. It approaches in fact more nearly to perfection in its way, than perhaps any other picture that could be named, and if it be inferior to some, it is only because the artist habitually exhibits in his most successful efforts somewhat less purity of taste and intellectual, or, as it is often called, *ideal* expression, than would be required for the attainment of the highest degree of excellence. In many of his pieces his deficiency in these respects is very remarkable, and forms a singular contrast with his extraordinary success in others. It is particularly conspicuous in his female figures, which were evidently copied directly from nature in a climate where the sex is distinguished for freshness and beauty of complexion, rather than delicate proportions or graceful symmetry of form. It is wonderful that Rubens who travelled much, and visited all parts of Europe, did not learn from his acquaintance with the fair of other regions, to correct his original notions of female beauty. His imagination appears to have dwelled with unabated fondness to the last upon the solid charms of his countrywomen which were probably endeared to him by the recollections of his youthful loves. His *Three Graces* in the museum at Madrid exhibit under a transparent delicacy of complexion, a largeness of bone and firmness of muscle, that would do honor to the champion of England. They form a strange contrast with the slender and symmetrical brunettes of Titian, that figure in their neighborhood. Complete perfection is, however, not to be expected in any human production; and notwithstanding some very obvious faults, the works of Rubens



will always be viewed as among the master-pieces of the art. For brilliancy and richness of coloring and fertility of invention, they perhaps excel all others, and if they want the ideal expression of the Italians, they are animated by an admirable spirit and vivacity, which are the best substitutes that could be found for that still superior quality. As a series of paintings on the same subject we are acquainted with none in the whole compass of the art to be compared with the twelve on the *Marriage of Catherine de Medicis*, that are now exhibited in the Gallery of the Louvre. These splendid pieces compose a sort of grand epic poem, not inferior in fire, nature, variety of character, wide range of supernatural machinery, and harmonious disposition of the various parts of a great and crowded action, to the immortal master-piece of heroic song. If one of the works of Velasquez alluded to above has been called the *Painter's Bible*, this series might be described with equal justice as an *Iliad on Canvass*; and the analogy is not the less striking because the artist conceived and executed his plan without the slightest reminiscence of Homer, nor because the action represented is in every particular wholly different from the celebrated wars of Troy. In works of art direct imitation never produces a real resemblance. This can only take place when minds of equal power and kindred genius, working perhaps, as in this case, in different lines, but under the influence of the same inspiration, and with the materials supplied by the same common nature, bring out under great varieties of form, works that are distinguished by the same general characteristics and produce the same effects on the imagination and the heart. There is no resemblance—for example—between the charming Allegro and Penseroso of Milton, and the Pacifico and Bellicoso of Mason, or twenty other parallels in the same form, that have been written in imitation of them; but we can easily find one in the delightful painting where the Muses of Tragedy and Comedy—each with her appropriate expression and costume—are struggling for the exclusive possession of their common favorite Garrick, although the idea of Milton and his poem probably never once occurred to the mind of Sir Joshua Reynolds while he was planning and executing the work.

The superiority of the works of Rubens is not more extraordinary than the facility with which he appears to have produced them. The collections of Europe are crowded with his paintings, frequently of large size, and when we consider the length

of time which is employed by many artists of great merit upon a single piece, we are disposed to wonder that he was able to execute so much. It is not impossible that in the latter part of his life he availed himself to a considerable extent of the labor of assistants and pupils; but it is well known that he wrought with great facility and threw off many of his admirable works at a single heat. The same was the case with some of the other great masters who lived in the best days of the art, and it seems to be chiefly at a later and less brilliant period that we find their successors adopting a different method, and substituting the slow results of patient and reiterated toil for the first glowing effusions of genius. There is no doubt an aptitude in different minds to proceed by different methods, and a man of merit can commonly work better in the way to which he feels himself naturally disposed than in any other; but it may be doubted whether much is gained in painting, poetry, or any other art, by the long delay and repeated revision by which some persons are accustomed to ripen their productions. An artist who has cultivated his taste by the usual methods, and reached the maturity of his judgment, has acquired all the talent he will ever possess, and the more freely and fearlessly he exercises it, the better in general will be the product. We mean not of course to recommend an inconsiderate precipitancy or to exclude the process of revision and correction within its proper limits; we only mean to say that a work which a man of genius, whether poet, painter, or orator, throws off in a happy moment, and at the height of his talent, is substantially as good when it first comes from his mind, as the nature of his subject, and the extent of his powers will allow him to make it. By reviewing it in a cooler moment, he may remove blemishes—improve the disposition of details—introduce additions of minor importance, and thus give the whole a finished air, which will considerably augment the general effect—but he cannot possibly by any revision or correction change the substance of it for the better. To change the substance of a work is, in other words, to produce a new one on the same subject, and this new one must, in general, in the case supposed, be inferior to the former, because it is produced under circumstances much less favorable to excellence. The want of facility which is experienced by some artists might, we fear, in many cases be more correctly described as a want of the moral courage and generous self-confidence, which are as ne-

cessary to success in art as in every other department of action. When we find a poet who was capable at twenty years of age of writing the *Pleasures of Hope*—the most elegant of all juvenile productions—bringing out nothing else in the course of a long life devoted to poetry, but a few short fragments, we see at once, that for fear of hazarding the reputation he had acquired, he has not exhibited the maturity of his talent, and that his works give us no indication of what he might have done if he had not been prevented by indolence or constitutional timidity from doing his best. Campbell at twenty was a much better poet than Scott at thirty—but the latter by manfully doing as well as he could without fear of criticism, gradually improved his powers by exercise, and in the end has completely overshadowed the other, though possessing a talent originally much superior to his own. The moral is the same with the common proverb—that *faint heart never won fair lady*—and that a man will never get the credit of doing what he has too little confidence in himself to undertake. Trust yourself, says Goethe, and others will trust you.

Wenn du deiner selbst vertrau'st  
Vertrauen dir die andere Seele.

Our readers will perhaps think that there is little danger of an error on the score of excessive diffidence in a community where most of the citizens are ready enough to push their pretensions of all kinds, as far as they ought in reason to be carried, but we have in our view some cases connected with the subject of this article, in which the hints we have given might, we think, be turned to account. It is time, however, to resume our survey of the Gallery.

The copies, by Meyer of a large and beautiful landscape by Ruisdael with figures by Berghem, and by our countryman Fisher of the portraits of Rembrandt and Vandyck by themselves now in the Gallery of the Louvre, were highly interesting, but we have only room to notice that of the *Shepherdess Madonna* of Raphael, by Subba. This picture represents the Virgin at full length, in a standing position with a crook in her hand ; the two infants Jesus and John Baptist standing beside her with their faces turned upwards to hers ; the scene an open country, with hills and woods in the back ground. The artist appears to have repeated this subject several times. We have ourselves seen two originals at Paris, and it is stated in



the Catalogue that there is one at Naples. Of the two which we have seen, one is in the Gallery of the Louvre, and the other in the possession of our countryman, Samuel Williams, Esq. formerly our Consul at London, and now temporarily resident in Paris. The latter has been supposed by some of the British *connoisseurs* to be a copy by another artist, and for that reason commanded a comparatively low price at a public sale a few years ago. Its genuineness is, however, perfectly apparent on its face to all who are acquainted with the style of the great author, and its history is so well known that there can be no reasonable doubt upon the subject. It is traced back with certainty for about two centuries, to the time of Cardinal Mazarin, who employed it as the altar-piece of his private oratory; and in his various capacities of Italian, Prince of the Church, and Viceroy over the Queen of France, was not likely to be cheated in a painting by Raphael. It remained in the possession of his representatives till the commencement of the French revolution, when the property of the family was confiscated, and the paintings sold at auction. The one in question was purchased by Colonel Trumbull, who happened to be at Paris at the time, and who, after keeping it several years, transferred it to Mr. Williams. At the sale of Mr. Williams's effects, it was offered with the rest, but brought so low a price that it was bought in for the owner. From the peculiar circumstances under which it is now placed, it might probably be obtained for a sum considerably below its real value, and would form a most important and interesting addition to any of our collections. The drawing and coloring are in the best manner of the author, and although the principal figure is rather deficient in expression, the picture has always been regarded as a capital work. So far as we are informed, there is no original painting by Raphael in this country, and we should be highly gratified if it could be found practicable to improve the present opportunity for placing a very fine one in the Gallery of the Athenæum.

We come now to that part of the Exhibition which consisted of the works of our native artists, and we regret that their number and importance were not such as to authorise us to devote to the examination of them a larger portion of the present article. The splendid *Sortie from Gibraltar* by Trumbull, which belongs to the Athenæum, still retains its place, but it is too well known to the public to require or admit of a de-

tailed notice. There were also, beside the *Mother and Child*, which is the property of the institution, two very beautiful landscapes by Allston, belonging respectively to Mr. Weeks of New York, and Mr. S. A. Eliot of this city, a number of valuable works from the pencils of Sully, Doughty, Fisher, and Salmon, and several interesting portraits, particularly that of the Chief Justice of the United States by Harding. Without intending to undervalue the merit or importance of these productions, we cannot but remark, that they give a very imperfect notion of the richness and abundance of the recent labors of our native artists. Few countries have in fact done more within the last half-century in the way of painting than this. We know of none that can produce a more respectable list of painters who have flourished within that period, than is composed by the names of West, Copley, Trumbull, Allston, Newton, Leslie, Stuart, and Sully, to which might be added those of many other younger aspirants of undoubted merit. Several of these distinguished artists have been and still are the principal ornaments of the British school, which, for the time in question, belongs at least as much to the United States as to the mother-country. England has in fact only three names of equal pretensions and of native origin to add to the above list—we mean those of Reynolds, Wilkie, and Lawrence. The first of these, had he devoted himself exclusively to the higher walks of his art, would have probably placed himself at the head of modern painters, by which we mean those of the last century—and even as it is—although he gave up his pencil almost wholly to portraits—he is perhaps very fairly entitled to that high eminence. Wilkie and Lawrence are excellent, each in his line—which is not, however, in either case the highest—but the combined merit of the three, with that of their inferior fellow-laborers—does not authorise the mother-country to claim more than an equal share of the glory of the common school. The style of painting in France during the same period has been decidedly vicious, and although it has obtained a temporary popularity in that country is not approved by competent judges from any other. In the rest of Europe there has been little or no activity in this branch of art; so that the United States—as we remarked above—have done at least as much for painting during the last half-century, as any other country. We hope that efforts will be made to procure for the future Exhibitions a larger number of the choice products of

the native pencil. In the meantime without confining ourselves to those which were brought forward on this occasion, we propose to conclude the article with a few general remarks upon the style and works of some of the eminent American artists, whose names are recapitulated above.

That of West is commonly and in some respects deservedly placed at the head of the list. The length of his career—his conspicuous position at the head of the British Academy and the indefatigable perseverance with which he pursued his labors up to the very close of his protracted life—all these circumstances placed him in full relief before the public, and perhaps raised his reputation a little higher than it will be maintained by the impartial judgment of posterity. Perceiving or supposing that his merit was exaggerated, a certain number of persons were induced, as always happens in similar cases by a sort of reaction, to depreciate the value of his works, and even to deny altogether his pretensions to excellence. Without speaking of Peter Pindar, who attacked him merely because he was patronised by the King, we may find the feeling to which we allude exhibited in a quarter where we had a right to look for good taste and political impartiality. Lord Byron, in one of his poems describes our illustrious countryman as

—‘ the dotard West,  
Europe’s worst dauber and poor England’s best.’

But even here the noble bard, however opposite may have been his intention, has borne a sort of involuntary testimony to the high deserts of the painter. The British school, which in his wayward humor he represents as the worst in Europe, was undoubtedly at that time and still is the best, and by putting West at the head of it he rendered him in fact all the justice which his warmest friends could possibly have claimed for him. His real merit was very considerable, although he may not have risen precisely to the level of the greatest masters of other times. It was sufficiently evinced by the great popularity and success of his last and best pieces the *Christ Rejected*, and the grand composition of *Death on the Pale Horse*. We had the pleasure of seeing these noble paintings when they were first brought out at London, and witnessed the enthusiasm which they excited among the lovers of the arts and the public at large. The sum of ten thousand pounds was offered for the latter work—a higher price probably than



was ever commanded by any other picture. As there was nothing meretricious in the style of West, and as the public of a city like London is not often very widely mistaken in matters wholly unconnected with any accidental or temporary interest, it is impossible to account for this extraordinary vogue without allowing to the artist a talent of a very high order. His works exhibit in reality almost all the qualities that designate a first-rate painting. His walk lay in the highest department of the art. His subjects were always of a poetical cast, and he treated them all in a large, free and generous spirit; and while he possessed the principal requisites of a great painter his manner was almost wholly free from faults. He had in particular the great merit of avoiding the unnatural style of coloring which prevailed in the neighboring kingdom and seemed likely at one time to corrupt the taste of the rest of Europe. His excellent moral character contributed much to his talent and still more to his fortune. It kept him steady to his profession during a period of violent political convulsions, which swept away from their natural occupation almost all the high and stirring spirits. It recommended him to the favor of the King, and through that to the Presidency of the Academy, and it preserved his health and capacity for constant employment to the last moment of a very long life. He enjoyed the rare happiness of realising in his lifetime his full deserts on the score of reputation—perhaps something more—and of laboring with undiminished activity and a constant increase of fame beyond the ordinary term of human existence. We had the satisfaction of seeing him frequently in his last days, and have seldom known a more striking example of a serene and happy old age. He was then at nearly eighty a healthy, handsome man, busily occupied upon his last and greatest works, and enjoying the vogue which they successively obtained on their first exhibition. The natural simplicity and modesty of his manner were mingled with a slight air of self-importance and conscious satisfaction with his recent success, which appeared rather graceful than otherwise in one so much respected and so far advanced in years. The freshness and vigor of his mind were truly remarkable. He was still alive to every means of improving himself, and when the Athenian marbles were received in England, he addressed a printed letter to Lord Elgin, in which he spoke of this event as forming a sort of epoch in his life, and anticipated the great advantage which he should derive from the study of these ad-

mirable remains of antiquity in the further prosecution of his labors, which, however, were very soon after brought to a close.

We have said above that the manner of West was almost wholly free from faults. His conceptions are noble, his drawing correct, his coloring true, and his composition skilful and spirited. If we miss any thing in his paintings it is, perhaps, the secret indescribable charm of coloring, which, like the curious felicity of language in some writers, seems to be a sort of natural 'grace, beyond the reach of art,' but affording, at the same time, a higher delight than any of those beauties, which can be more distinctly analysed and defined. Of this Sir Joshua Reynolds possessed a larger share than West, and will probably on that account be always ranked above him in the general scale of merit.

The paintings of West, which remained in his possession at his death, were offered for sale soon after, and we have anxiously desired, that the whole or a portion of them should have taken the direction of this country. They would have formed a most interesting and valuable addition to our collections, and would then have reached what may fairly be considered their natural destination, the birth-place and original home of their author. We are not exactly informed what disposition has been made of them, and venture to hope that the expectation we have expressed may still, in part at least, be realized.

The general reputation of Trumbull is hardly equal to that of West, although the *Sortie from Gibraltar* is perhaps superior in effect to any single production of the latter artist. This noble picture may justly be ranked with the finest productions of the pencil, and would forever secure to its author, had he done nothing else, a rank with the greatest masters of the art. If his success has been on the whole inferior to that of his illustrious contemporary, it is probably because his devotion to his profession has not been so exclusive. The important military and political occupations, in which he was engaged during a considerable portion of the most active part of his life, diverted his attention for the time from painting, and when he afterwards resumed the pencil he seemed to have lost in some degree the vigor and freshness of his youthful talent. Hence his reputation has not continued to increase with his years, and his last works have not, like those of West, been regarded as his best. The four great paintings, on subjects connected

with the revolutionary war, which he executed for Congress, have, on the whole, hardly satisfied the public expectation, and for that reason have perhaps been depreciated below their real worth. They are all valuable pieces, and the *Declaration of Independence*, which we look upon as the best of the series, is one of a very high order. They derive a great additional interest from exhibiting portraits, as far as they could be obtained, of the Signers of the Declaration, and of the other patriots and warriors, who took a part in the memorable action of the Revolution. We incline to believe that these paintings, should the liberality of Congress allow the appropriation necessary for keeping them in existence, will gradually gain upon the public opinion, both as works of art and as historical memorials, and be viewed by the next generation with more interest than they are by the present one.

Of our living native artists, Mr. Allston is the one, to whose future productions the country looks with reason for the most brilliant exhibitions of talent, and the most valuable accessions to our public and private collections. Few painters have ever possessed at his age a higher reputation, or one acquired by nobler means; and from his character and habits there is room to suppose that his fame will continue to increase, like that of West, to the last period of his labors. Inspired by that exclusive and passionate love for his profession, which is the sure characteristic of a real genius for it, and by a lofty and generous disinterestedness, which has prevented him from consecrating his pencil to its lower and more lucrative departments, he has, under some discouragements, steadily confined himself to historical, scriptural and poetical subjects, and has formed his manner upon the highest standard of excellence. His conceptions are uniformly happy, and, when the subject requires it, sublime; his taste and skill in the mechanical details of his art complete; and he knows how to give his works the secret charm to which we alluded before, and which adds the last finish to every other beauty. If there be any thing to complain of in him, it is that he is not satisfied himself with the degree of merit, which would satisfy every one else, and employs in correcting, maturing and repainting a single piece, not always perhaps with any real accession of effect, the time and labor which would have been sufficient for completing a dozen. This extreme fastidiousness may have been at an earlier period of life a virtue, and is probably one of the qualities, which



have enabled the artist to realize the high idea of excellence, which originally warmed his young fancy. But, if we might venture to express an opinion on the subject, we should say that the time has now arrived when he might throw it off with advantage, and allow himself a greater rapidity of execution. His manner is formed. He possesses his talent, whatever it is, and, as we remarked above, when we treated the same question in general terms, the more freely and fearlessly he exercises it, the more natural and spirited, and, on the whole, the better will be the product. We trust that he will not permit another year to pass over without putting the last hand to the grand heroic composition, upon which he has been employed so many, and that this will be followed by a series of others of equal merit and of a rather more rapid growth. By this change in his manner of working we believe that he would gain in ease and spirit without sacrificing any real beauty, and would labor, on the whole, with infinitely more satisfaction and profit to himself and the public than he does now. We offer these remarks, however, with all the deference that is due from mere *amateurs* to an artist of consummate genius, who is after all the only true judge of effect in his art and of the best means of producing it.

The two landscapes by Mr. Allston, which were exhibited this year, were both very beautiful in different ways. The one belonging to Mr. Eliot is, we think, in the happiest manner. It has the warmth and softness of coloring of Claude, and is, as far as we are able to judge, in no way inferior to the fine productions of that artist. The *Mother and Child*, which belongs to the institution, is a highly interesting little piece, upon the merit of which there has been, however, some difference of opinion. If we may venture to offer our sentiments, we should say that the piece is beautifully finished and quite perfect in every thing that belongs to the mechanical details of the art. The coloring of the body of the infant in particular is as true to nature as it could possibly be made, and is fully equal to any that we have seen from the pencil of Titian. The artist does not seem to have been so fortunate in the drawing of the infant, who has too little fulness, as well as too much meaning in his face, for so young a child. The expression of the countenance of the mother is rather uncertain, and her face is thrown into a sort of mysterious shade, for which the spectator is not very well able to account. The piece, however,

taken as a whole, is a first-rate work, and forms one of the choicest ornaments of the Athenæum Gallery.

We regret that a larger number of the paintings of Mr. Allston were not exhibited on this occasion. We should gladly have seen in the Gallery the *Valentine* of Mr. Ticknor, the *Miriam* of Mr. Sears, the *Jeremiah* of Miss Gibbs, and the other fine productions of the same artist, belonging to other gentlemen in this country. These paintings, while they are kept in the houses of their owners, are seen by a very limited number of persons, and it is much to be desired, as well for the improvement of the public taste, as for the mere gratification of the curious, that they should be displayed from time to time in a place where they can be freely examined at leisure by the whole community. The advantage and satisfaction, which the public would derive from such an exhibition, would afford, we are sure, an ample compensation to the liberal proprietors for any trifling sacrifice of their own convenience, that might be required by such an arrangement.

We had intended to offer a few remarks on the style and works of our distinguished countrymen, Newton and Leslie, and also on the landscapes of Doughty, Fisher and Salmon, and some of the portraits that were exhibited on this occasion; but we have already passed the just limits of an article, and must reserve them for a future one. The most remarkable portrait was undoubtedly that of Chief-Justice Marshall, painted by Harding for the Athenæum. It has been pronounced by those, who are most familiar with the appearance of the illustrious original, to be a striking likeness, and it certainly does great credit to the painter, who must, however, make some further advances in his art before he can aspire to rival the mature fame of Stuart. The landscapes of Fisher as well as his copies from Rembrandt and Vandyck were very beautiful. Those of Doughty were hardly less so, and we regret that the sale of them at the present moment of depression in business has not afforded the artist the compensation for his labor, which he had a right to expect from the liberality and good taste of the citizens of this metropolis. The works of Salmon have a more decidedly characteristic manner than those of Doughty or Fisher, and are, we believe, in general greater favorites with the public. The three artists are all capable of rising by a proper course of study and practice to a high degree of excellence, and we trust that they will receive from their countrymen that

encouragement, which is absolutely necessary to enable them to proceed in their labors with spirit and success. A copy, by Sully, of a female head by Guido, and of a *Gipsy* from a French artist, attracted some attention. The *Bridal Eve* of Miss Sully, if not in the purest style of coloring, was curious as a specimen of the French manner, in itself essentially vicious. The most valuable effort of female genius exhibited on this occasion was a landscape by Miss Scollay.

It is time, however, to close these remarks. Before we quit the Gallery we cannot refrain from expressing the pleasure with which we have viewed the busts in marble of John Quincy Adams and Mr. Quincy by Greenough, who is also, we are informed, the inventor of the plan of the Bunker-Hill Monument. The great merit of this design furnishes itself a strong presumption in favor of the taste and talent of the author. He is now, we believe, pursuing his studies at Florence, and we cannot but form very high expectations from the future progress of a career that opens with so fine a promise.

ART. IV.—*Lectures on the Sacred Poetry of the Hebrews.*

By ROBERT LOWTH, D. D. Lord Bishop of London.  
Translated from the original Latin, by G. GREGORY,  
F. A. S. A new edition, with Notes, by CALVIN E.  
STOWE, A. M. Andover. 1829.

The time has gone by, in which an editor would have thought it necessary to prefix an apology for presenting to the public an edition of this master-piece of Lowth's genius—his *Lectures on the Hebrew Poetry*. In regard to such a book men will not now ask, as seems actually to have been done, even in Germany, when Michaelis first presented this work to his countrymen,—*cui bono*? They begin to feel and enjoy, with something like a true relish, the indescribable beauty of the sacred poets. This exquisite fountain, so long hidden from the eye, and unvisited, even by the footsteps of wanderers, has at length been unsealed; the sere leaves and the accumulated mosses have been removed from its sparkling purity; the world has tasted of its freshness, and it can never again be restrained in its free flow. In an intellectual as well as a moral sense, it



makes the wilderness and the solitary place be glad, and the desert blossom as the rose. It has blessed the individual minds, who have drunk deep of its inspiration, with a vividness of fancy, a grandeur of imagination, an original simplicity and purity of thought, a power of sublime expression and imagery, and a reverence for all that is wise and good, which might in vain have been sought from the study of the literature of all other nations. The genius of Milton was early baptized in this fountain. It was from

——‘Siloa’s brook, that flowed  
Fast by the oracle of God,’

that he invoked the ‘heavenly muse’ to aid him in his ‘adventurous song.’ The tones of the Hebrew language came to his ear with a near and familiar accent, like that of his maternal dialect. He had fully mastered its treasures; and *Paradise Lost* exhibits on every page the impress of a mind most thoroughly imbued with the spirit of the sacred poets.

Setting aside the circumstance of their divine origin and consequent moral excellence, the scriptures of the Old Testament present such a field of curious, useful, and noble investigation, on so many of the most interesting subjects, which can occupy the human mind, viewed under so many romantic, elevated, and interesting lights, and they are besides so rich in all the elements of true sublimity and beauty, whether in poetry or history, that they are pre-eminently worthy of the most minute and patient study, which the Christian philosopher or the man of taste and genius can bestow upon them. It will hereafter, perhaps, be regarded as an anomaly in the history of the human intellect, that the poems of Homer should for ages have attracted the attention of the profoundest minds, and been made for a time almost the exclusive object of criticism in all its forms, and of associated inquiry in all its ten thousand wanderings, and yet that the Hebrew writings of the inspired volume, though equally before the eye and in the memory of men, should have been long passed by with such total absence of every thing like an attentive study, as to have left the great body of the most learned critics completely ignorant of their true nature, and gravely mistaking their poetry for prose. Without going into a minute consideration of the causes of this neglect, the reflection is now a very familiar one, that it has not been owing to the want of attractiveness and grandeur in

these writings, for in these respects they far surpass any thing that can be found in the whole circle of Grecian and Roman literature. The spirit of their poetry goes deeper into the human soul, and breathes a finer harmony of feeling; it calls forth thoughts that will never come at any other bidding. The *date* of their oldest poem is lost in extreme antiquity; and this is a charm, which would draw many to the pages of the Grecian bard, who had not a soul to feel or to appreciate his poetical beauties. If we step out of the circle of poetry into that of prose, which in a critical point of view has been equally neglected, what is there in all the celebrated histories of Greece to compare, in point of beauty, nature, and affecting simplicity of narrative, with some portions of the Pentateuch? It is a miracle, says Eichhorn, which has preserved our little Hebrew library so perfect. It is almost equally a miracle, which has kept it, till within comparatively a very few years, so perfectly unexplored.

The evils, which have arisen from a wrong conception of the nature of so great a portion of the inspired writings, have been multiplied. They have been the occasion of almost all the objections of infidels and the cavils of irreligious men. There cannot be a doubt, that just in proportion as the Hebrew scriptures, especially the poetical parts of them, are keenly and critically scrutinized, such objections and such cavils will utterly fade from the mind. They have often been excited by the mistakes, into which translators and commentators have fallen, when the Bible, in its original language, or rightly interpreted, would have precluded, so far as the intellect and not the heart is concerned, all possibility of their existence. A volume would hardly be sufficient to exhibit the nature of these mistakes, and the various sources from which they have arisen.

In the investigation of the Old Testament scriptures no one source of error has been more fruitfully prolific than the neglect to distinguish between what is poetry and what is prose. Every man's common sense, though he knows nothing of any literature but that of his own language, will show him the confusion, which must follow in the train of such a blunder. 'To what strange conclusions should we be led,' says Mr. Stowe, 'were we to interpret Milton's *Paradise Lost* in the same spirit and by the same rules with which we should read President Edwards on the Freedom of the Will?' Yet

none but an orientalist, versed in the character of Eastern poetry, and well acquainted with its peculiarities in distinction from prose, can truly appreciate the consequences, which result from confounding the rules of interpretation peculiar to each. This common error has been accompanied by, and in part has involved, an entire disregard of the peculiar genius and character of each poet, and a habit of perusing and examining the Old Testament, as if it were all the work of one and the same individual genius, and produced at the same period, and under the influence of precisely the same circumstances of feeling and condition. It has involved of course a total neglect of the parallelistic mode of writing, which now affords a most invaluable means of arriving at the sense ; and an effort to find a figurative meaning for common language, which has produced results scarcely outdone in absurdity even by the maxim of the Jewish Rabbins, that mountains of sense are hung upon every point in the Bible. Add to this the neglect and ignorance of oriental and sacred geography, climate, scenery, customs, peculiarities of feeling, religious rites, political institutions, and manners of domestic life, all extremely different from those of Occidental countries, and also varying much in different parts of the East,—and instead of being astonished at the errors of past ages, we shall find occasion to wonder that they are so few.

As an illustration, though an imperfect one, of the point on which we have been speaking, let us take an instance at random from the poetry of Collins. In one of his *Oriental Eclogues*, this child of fancy introduces into his fine description of Chastity the following exquisite line.

Cold is her breast, like flowers that drink the dew.

Collins thought that these Eclogues were extremely deficient in imagery adapted to the region where their scene is laid ; and in general there may be some truth in the objection. But in the present instance no image could be more appropriately beautiful ; for in the mind of an inhabitant of the Eastern world it would be associated with ideas of the coldness, that always accompanies the dew-fall at night in those hot climates. Suppose for a moment, however, that a native of Greenland should be criticising this poem. He would certainly think that the glittering bosom of an iceberg, on which the salt spray falls and freezes, would be a much happier and



more appropriate image. A flower that drinks the dew would indeed tell him sweetly of an unsullied purity and freshness, but far from answering to the epithet *cold*, it would speak to his imagination only of the sunny skies and the warm fields of Elysium. Should this poem be read under the idea of its being mere prose, it would appear perfectly unaccountable, if not absurd. And yet, the contrast between the circumstances of life and climate at the North Pole, and those in the midst of which an Englishman is situated, seems hardly greater than that which exists between our own climate and manners and those which prevail in the Oriental regions. But if even an English critic should examine in what the peculiar aptitude of such a resemblance lies, or endeavor, as has often been done with the figurative language of the Scriptures, to apply it to practical use, and draw from it a grave and solemn lesson, he would find it not unfrequently converted by such a process into the merest nonsense. Nor is it only so with particular resemblances. Verse after verse of the most enchanting poetry in existence, if subjected to such an examination, would be despoiled of all its beauty and all its truth.

In the whole range of literature, nothing can afford a finer subject of inquiry than the Sacred Poetry of the Bible, considered apart from the circumstance of its inspiration, with regard to the influence which the history, climate, scenery, and whole condition of the Hebrews exerted in modifying its spirit and moulding its forms. Even a general and indistinct glance at their character and history presents them prominently to the mind as in all respects the most extraordinary people in the whole world. Amidst all antiquity they were not less a splendid astonishment in their national existence, than they are now, over every quarter of the globe, a proverb and a by-word in their life as individuals. While the grossest darkness of paganism enveloped all other nations, to them only, till the coming of our Saviour, was the knowledge of the true God communicated, and among them only did his spiritual worship exist. Shadowy and dim as were their conceptions of that religion, which beams in the fulness of light and purity from the New Testament, they were, nevertheless, a moral Oasis amidst the desolation of surrounding idolatry. The seductive example of their neighbors, and the singular depravity of their own disposition, were indeed forever inclining them to depart from the living God, and degrade themselves with idolatrous sensuality; nothing but

a constant course of miracle and chastisement could keep them in any degree to their duty. Still, the knowledge of the glorious Jehovah, however unwillingly they obeyed his precepts, gave to their moral character a vast elevation above that of the whole world around them. The Sovereign of the Universe was the Supreme Administrator of their State. Before the glory of such a distinction, even at the commencement of their national existence, the artificial grandeur of the most magnificent empire passes into the shade. The consciousness that they were the chosen people of Jehovah, for whose sake all hostile nations were to be exterminated, and around whose borders there should be a perpetual defence, nourished in them a proud independence, and an unequalled intensity of patriotic feeling. The expectation of that glorious Being, whose coming was announced in the first revelation from Jehovah, and declared to be the one great object of their separate existence as the people of the Lord, powerfully strengthened their native attachments, and added to the loftiness of their character. The prosperity and splendor of Messiah's reign was dwelt upon with increasing fulness from age to age, in the predictions of every succeeding prophet, till it became the theme of universal exultation—the hope to which the imagination of every Jewish individual delighted to advert. They turned to those vivid prophecies for consolation amidst all misfortunes, and for triumph and gladness in their festivals. Almost every passage in their history, every ruler of their country, and every ceremony in their worship, were connected with the mysterious promise, and pointed forward to the glorious event.

The commencement of their national existence was not lost in obscurity, nor dated from circumstances in themselves mean or trifling. It was founded on an event no less august and solemn, than a covenant of mercy between the Most High God and his servant Abraham;—a covenant renewed with Isaac and Jacob, and from age to age with the most eminent and holy among the successors of the patriarchs. Always looking, with an expression which could not be mistaken, to the future advent of the Saviour, it designated them and their posterity as the chosen people, through whom all the nations of the earth were to be blessed. They could trace back their existence, through all its diversified changes, to one great patriarchal ancestor;—a being, honored to the end of life by supernatural revelations from Heaven, and regarded through the whole Eastern world

as the most pious, venerable, and majestic character in all antiquity. India and Asia, the ancient disciple of Zoroaster, and the modern worshipper of the Arabian prophet, unite in doing homage to the memory of the Father of the Faithful.

Their early history was not left to be disfigured by the prolific invention of fictitious chroniclers, nor involved like that of other nations, in the perplexity of doubtful and contradictory relations. It was inscribed with the pen of inspiration, and at the same time glowed with the genius of their divinely commissioned lawgiver. Where can another history be found like that contained in the Pentateuch of Moses—so sweetly unaffected, yet so full of dignity; so concise, and yet so comprehensive; so rich in poetry, yet so chaste and simple in its style; so affecting in its pathetic recitals, and so vivid and powerful in its solemn and terrific scenes; and presenting throughout, a picture so graphic of the life and manners of the ancient Oriental world? The Pentateuch closes with the book of Deuteronomy, the last testimony of the Jewish legislator to his countrymen, containing a brief but vivid recapitulation of their past history, and a second concise declaration of the law. The nation had now gained a lasting experience of God's dealings with his people, and the generation had passed away on whose souls and bodies the blight of effeminacy and slavery had descended during their residence in Egypt. Aaron had been gathered to his fathers, Moses was about to die, and the tribes were just upon the eve of a happy entrance into the long promised land of Canaan. Under these circumstances, the words of Moses must have carried a thrilling impression into the hearts of the Israelites. How powerfully does he appeal to their experience of the judgments and mercies of Jehovah—with what mingled encouragements and threatenings, what fearful curses on the disobedient, what tender admonitions, what eloquent entreaties! Nor is the voice of prophecy silent; it speaks plainly of the coming Messiah; it predicts their own defection and consequent wretchedness; it almost relates the destruction of Jerusalem. The eight closing chapters of the book of Deuteronomy are perhaps the most sublime portion of the Scriptures. They contain the tremendous curses denounced against transgressors, and the unequalled blessings pronounced upon the obedient; the glowing historical song, which Moses, at the command of God, wrote for the people of Israel, to be forever in their memories, a witness against them



when they should turn from the Lord their God ; the animated and prophetic blessing upon the twelve tribes, and the short but striking history of the death of Moses, when he had viewed from the top of Pisgah, with an eye which old age had not dimmed, the land '*flowing with milk and honey*,' stretched out before him in all its compass and luxuriance.

Through all this short, but perfect and comprehensive history—the storehouse of poetic imagery to the prophets and psalmists—where is the page that is not full of materials to arrest the eye, and excite the imagination of the poet? What books could be more crowded with energetic recollections, sublime and picturesque events, instructive and terrible warnings? From the first interposition of Jehovah, to the moment when His presence is revealed to Moses upon Nebo, His glorious agency is every where visible. It is He who accompanies the patriarchs in all their journeyings, and makes trial of their faith ; it is He who gives wisdom to Joseph, and makes the children of Israel to increase in Egypt ; it is He who brings them out with His mighty hand and His outstretched arm ; who reveals His glories at the Red Sea, on Mount Sinai, and through the wilderness ; who dwells between the cherubim, and leads His people like a flock. Throughout, it is the purpose of the inspired historian to stamp upon the minds of his countrymen the most impressive sense of their peculiar dependence upon God ; he closes with the declaration, so literally fulfilled, that they shall be invincible and glorious, if obedient to their divine Sovereign, but cursed, rejected, and miserable whenever they forsake Him.

The character of Moses himself, as it is depicted in the course of the history, was an invaluable treasure to the people. 'And there arose not a prophet since in Israel, whom the Lord knew face to face, in all the light and wonders which the Lord sent him to do in the land of Egypt, to Pharaoh, and to all his servants, and to all his land, and in all that mighty land, and in all the great terror, which Moses showed in the sight of all Israel.' His name could never be remembered without exciting in the bosom of the Israelite, the highest exultation of patriotic pride.

If the history contained in the Pentateuch was full of materials calculated to excite the popular imagination, to strengthen the national patriotism, and to convince the Hebrews of God's retributive providence, the history of successive periods in their

existence was scarcely less so. We must pass by the period from Joshua to Samuel, and can only glance at the reigns of David and Solomon.

David's life was full of poetry ; his character and reign were a proud inheritance to the Jewish people—the most delightful era in their history. He was eminently the anointed of the God of Jacob ; under him they always recognized their Theocratical Constitution, and were again taught, as by the experience of their whole national existence, to seek prosperity solely in obedience to Jehovah, and to attribute to Him the praise of their victorious successes. David was favored with a magnificent renewal of the Covenant of God, with the additional promise, whose extensive and spiritual import as referring to the Messiah he evidently understood, that the royal succession should be in his house, and that his kingdom should be established forever. He fixed the royal residence at Jerusalem, and the capital of the nation was named the City of David, whither also he transferred, with public and splendid rejoicings, the Ark of the Covenant. Jerusalem became the capital of the Invisible King ; his temple was built upon Mount Moriah ; and thenceforward the City of David was called, by its most glorious title, the CITY OF GOD.

In no respect did David confer a greater benefit upon his countrymen, or leave the stamp of his own genius more indelibly upon the nation, than in the measures, which he adopted to improve the public worship, and give it a suitable character of magnificence and joyfulness. He formed for it a regular system of music and poetry ; he appointed Levites to praise the Lord with songs and various instruments of music ; he composed the most instructive and animating Psalms, to be chanted not only at all the sacrifices, but by the whole people, when they made their glad pilgrimages to Jerusalem at the seasons of the feasts. Himself the sweet Psalmist of Israel, he communicated to the national imagination, in no slight degree, the impulse of his own poetic genius.

The reign of Solomon was the most splendid in all the Hebrew annals ; he is celebrated through the world as the greatest of Eastern monarchs. David left him in possession of a peaceful kingdom, and on him, in answer to his pious request, the spirit of wisdom was poured out apparently without measure. The regularity with which all the national affairs were administered, the magnificence of his court, the abundance of

his riches, so that he 'made silver in Jerusalem as stones,' and the gorgeousness of the Temple, which Jehovah permitted him to build, surpass all description. He inherited likewise the poetical genius of his father, and the sacred Book tells us that his songs were one thousand and five. Happy would it have been for Israel, had his piety to Jehovah equalled his wisdom and genius. For his idolatry the crown of glory was taken from the nation. Scarcely had he died, when the ten tribes revolted, and in about four hundred years Jerusalem was destroyed. These centuries were the period during which most of the prophets, from Elijah downwards, appeared and uttered their predictions. Jeremiah prophesied the captivity of Judah, and after the mournful event, uttered his affecting Lamentations. *How doth the city sit solitary, she that was full of people!* His warning voice had long before declared, *The sin of Judah is written with a pen of iron—with the point of a diamond.* He was reserved to be a historical witness of the events, which Inspiration had predicted from his own lips.

The Hebrew muse has been called the denizen of nature; with equal propriety may she be termed the denizen of history. She draws much of her sublimest inspiration from the instructive record of God's dealings with his people. Even the Psalms are full of the finest imagery gathered from historical events; but the prophetic poetry is by far the most copious in its sublime and beautiful allusions. The history of the Hebrews in its spirit is all poetry; their poetry is almost a history, both of the past and the future. For the Prophets, what could be more appropriate, in the exercise of their functions as the messengers of God, than to paint their warnings with an unceasing and energetic appeal to the well known experience of the nation? Such an appeal was not addressed to a people ignorant of their own history. It was the pride of a Hebrew, as well as his duty, to have the law and the testimony inscribed upon his heart. A Jew, well instructed, could almost repeat the contents of the sacred Books from memory. On their study the utmost expenditure of wealth and labor was lavished. They were copied with the richest penmanship; they were incased in jewels; they were clasped with diamonds; they were deposited in golden arks. The whole of the one hundred and nineteenth Psalm is composed in praise of their wisdom, and to inculcate their perusal. How



striking was the last charge of Moses to the people: 'And thou shalt teach them diligently unto thy children, and shalt talk of them when thou sittest in thine house, and when thou walkest by the way, and when thou liest down, and when thou risest up—thou shalt say unto thy son, we were Pharaoh's bondmen in Egypt; and the Lord brought us out of Egypt with a mighty hand!'

Powerful indeed must have been the influence of such familiarity with those sublime compositions! The unceasing frequency with which their remarkable passages are referred to by the sacred poets, shows with what prevailing power they dwelt in the popular imagination. How could it be otherwise? Almost every rite in the ceremonial of the Hebrews was founded upon or in some way connected with the remembrance of supernatural interposition. Almost every spot in the land of the Israelites was associated with the history of those glorious events. Three times a year the whole Jewish multitude went up to the tabernacle or to Jerusalem at the feasts. Did they pass through the valley of Hebron? There lay the bones of the patriarchs Abraham, Isaac, and Jacob. Did they stand on the plains of Mamre? There Abraham erected an altar to Jehovah, and entertained the angels. Did they visit the borders of the Dead Sea? Its sluggish waves rolled over the cities of the plain, and they traced the ruins of the fire-storm from heaven. If they looked towards Nebo, it was the sacred and mysterious burial-place of Moses. If they passed near Gilgal, there the sun and moon stood still at the command of Joshua. If they rode on the mountains of Gilboa, there the glory of Israel was slain upon their high places. Such thrilling recollections must have met them at every step, besides being often mingled in the memory with some vivid burst of poetry. An event, like that of the passage of the Red Sea, commemorated in a song such as that of Moses, was a treasure in the annals of the nation, whose worth in the formation of the national spirit we cannot adequately appreciate. Nor can we conceive the depth of emotion, which must have dilated the frame of a devout Jewish patriot, every time he remembered that sublime composition.

The general character of their sacred and civil constitution, as well as innumerable particular observances, domestic, political and religious, were full of influences, which could not be otherwise than powerful in strengthening the popular imagina-

tion, and filling it with elevated and beautiful conceptions. The Oriental manners in domestic life, joined to the Mosaic institutions in regard to private society, shed a spirit of refinement over the social intercourse of the Hebrews, and exhibit it to us connected with very many picturesque and romantic associations. Their hospitality was generous and open-hearted; their modes of salutation appear even extravagant in the profession of kindness and good-will. Strangers were to be treated with peculiar attention; '*the stranger that dwelleth among you shall be unto you as one born amongst you, and thou shalt love him as thyself; for ye were strangers in the land of Egypt.*' The aged they were commanded to regard almost with a religious veneration; the crown of gray hairs was sacred: '*thou shalt rise up before the hoary head, and honor the face of the old man.*' 'Honor thy father and thy mother,' was one of the commandments of the Decalogue. The observance of the duties of filial attachment and respect were connected with peculiar blessings, and their violation with imprecations and punishments of an awful severity.

The celebration of nuptials was a season of joyous festivity, attended by many interesting and imposing ceremonies. The dress of the bride and bridegroom was rich and splendid; and so, indeed, among the Hebrews, were all garments worn on festival occasions. The birth of children was with them an event thrice blessed—to be hailed with exulting ceremonies. The birth-day of a son was honored as a festival, and observed each year with lively demonstrations of gladness.

A spirit of kindness and benevolence was inculcated even towards animals; and towards the poor and friendless in the land how beautiful was the humanity enjoined upon the Israelites, especially at the season of harvest! '*When ye reap the harvest of your land, thou shalt not wholly reap the corners of thy field, neither shalt thou gather the gleanings of thy harvest; and thou shalt not glean thy vineyard, neither shalt thou gather every grape of thy vineyard; thou shalt leave them for the poor and the stranger.*'

The Jewish people were unequalled for the festive delightfulness and picturesque observances of their sacred seasons. The Sabbath was an institution worthy of the wisdom and benevolence of their Invisible Sovereign. He *blessed* it emphatically, as a day of holy cheerfulness and rest for the Hebrews, their servants and their cattle. In it they were to contemplate

with glad and grateful emotions the Creator and Governor of the universe ; they celebrated it with religious songs and instrumental music ; they gathered around their prophets to receive instruction ; they taught their children the wonderful providences of God ; and if they were not too far distant, visited the tabernacle or the temple.

The year of Jubilee was a national custom, combining, in an eminent degree, all that is picturesque, endearing, free, noble and patriotic. It was a long and hallowed Sabbath of rest and universal liberty ; they returned every man to his possession, and every man to his family ; all debts were cancelled ; the bondman, free as the air, came back to his inheritance ; the aged exile visited the long-lost home of his fathers.

The three great sacred festivals, at the return of each of which all the tribes appeared at the tabernacle, or, after the building of the temple, went up to Jerusalem, bringing presents, offering sacrifices and exulting together with songs, and music and dances, in God, ' whose mercy endureth forever,' were eminently calculated to communicate an ardent and joyous impulse to the popular imagination. Nor could any thing have been devised more admirably adapted to give life and intensity to the national patriotism, than these proud meetings of all the millions of Israel around the gorgeous temple in the City of their God. How joyful was the pilgrimage of the people, in bands of families and kindred, beneath the delicious sky and amidst the lovely scenery of Palestine, as they wound among the hill-sides, or stopped to refresh themselves in the valleys, lifting up their voices from time to time, accompanied with instrumental music, in those beautiful songs of degrees, which David composed for the purpose ;

' I was glad when they said unto me,

Let us enter thy house, O Lord !

Our feet shall stand within thy gates, O Jerusalem !'

First in the year came the feast of the Passover, solemn and striking in its ceremonies ; then the feast of the Harvest, full of rural plenty and festivity ; last and most splendid the feast of the Tabernacles, instituted in memory of the journey through the wilderness. During its continuance of eight days, the Hebrews dwelt in shady tents erected with green boughs along the streets of the Holy City, and on the roofs of the houses, in commemoration and imitation of their dwellings



when they wandered from Egypt. As it was likewise a festival of gratitude after the vintage and the gathering in of the fruits, they carried about the productions of the choicest trees, with branches of palm, willow, pomegranate and other verdurous and thick-foliaged boughs. The whole season passed away with songs and music in unmingled delightfulness. Jerusalem, during its continuance, wore the appearance of one vast, thickly-clustered, luxuriant bower, in the evening widely and splendidly illuminated.

In the character of the Jewish priesthood there was every thing combined, which could render it venerable and majestic ; their office was connected in the popular mind with all possible associations of grandeur. They and their posterity were solemnly divided from the rest of Israel for the service of the living God. Four thousand Levites, clad in robes of white linen, ministered as musicians and singers, but the classes of the priests were limited to the posterity of the sons of Aaron. The ceremonies of their consecration, continued during eight days, were solemn and impressive in the highest degree. Their vesture was splendid—especially that of the high-priest : over his forehead he wore a plate of gold, fastened to the mitre by a blue fillet, and inscribed with the august device, *Holy to the Lord*.

The Jewish worship combined, perhaps, in the greatest possible degree, magnificence with minuteness and simplicity in its rites. During the wanderings in the wilderness, and indeed for more than four hundred years, till the time of David and Solomon, the religious ceremonial was not invested with all that external grandeur, which it afterwards possessed ; yet the tabernacle of the congregation was a gorgeous pavilion, and its furniture of a character well adapted to strike the imagination with interest. With what evident and patriotic pride does even the Apostle, under a more glorious and perfect dispensation, look back to the days of the former priesthood, and enumerate the objects in the tabernacle, ‘ which is called the Holiest of all ; which had the golden censer, and the ark of the covenant overlaid round about with gold, wherein was the golden pot that had manna, and Aaron’s rod that budded, and the tables of the covenant ; and over it the cherubim of glory, shadowing the mercy-seat.’ Wherever the tabernacle with the Ark of the Covenant abode, the whole town or village was consecrated by its presence.

After the building of Solomon's temple, the rites of worship were performed with a magnificent and solemn grandeur, of the effect of which, in the midst of an edifice so glorious, our imaginations, though aided by the utmost minuteness of description, can very inadequately conceive. The temple was 'garnished with precious stones for beauty,' and almost every part of it was overlaid with gold. The king dedicated it with offerings and ceremonies worthy of its own grandeur, and the majestic solemnity of the occasion. Nothing could exceed the sublimity of his consecrating prayer, or of the thanksgiving songs of David, accompanied with instrumental music, and uplifted on the voices of four thousand Levites. Jehovah himself manifested his awful presence, 'so that the priests could not stand to minister by reason of the cloud; for the glory of Jehovah had filled the house of God.'

The following is an animated description of the temple in Jerusalem, drawn, indeed, as it appeared in the time of Herod the Great, but yet, perhaps, presenting no inadequate picture of its glory as it first rose under the eye of its royal founder. It is from the pen of Croly. 'I see the court of the Gentiles circling the whole; a fortress of the whitest marble, with its wall rising six hundred feet from the valley; its kingly entrance, worthy of the fame of Solomon; its innumerable and stately dwellings for the priests and officers of the temple, and above them, glittering like a succession of diadems, those alabaster porticoes and colonnades, in which the chiefs and sages of Jerusalem sat teaching the people, or walked, breathing the pure air and gazing on the grandeur of a landscape, which swept the whole amphitheatre of the mountains. I see, rising above this stupendous boundary, the court of the Jewish women, separated by its porphyry pillars and richly sculptured wall; above this, the separated court of the men; still higher, the court of the priests; and highest, the crowning splendor of all, the central temple, the place of the sanctuary and of the Holy of Holies, covered with plates of gold, its roof planted with lofty spear-heads of gold, the most precious marbles and metals every where flashing back the day, till Mount Moriah stood forth to the eye of the stranger approaching Jerusalem, what it had been so often described by its bards and people, a 'mountain of snow, studded with jewels.'

The loneliness of the Holy of Holies, in the absence of a visible image, surrounded as the Hebrews were on all sides,

by nations of idolaters, whose temples were crowded with the most grotesque forms of wood and stone, that a degraded heathen ingenuity could invent, must have powerfully affected their imaginations. With what awe and wonder it filled the mind even of Pompey, when after passing all the external splendors in the approach to the recesses of the Jewish temple, he lifted the separating veil, in the full expectation of finding a statue which would answer in its majesty to the gorgeous decorations that had already excited his curiosity to the utmost, but found himself a daring intruder, in the holy solitariness and silence!

Our limits will not suffer us to speak more minutely of their national and religious customs, or of the circumstances of their history. They were all full of poetical effect. The smallest of their rites were important, and often they were grand and magnificent in the extreme. Their existence itself was for ages a continued miracle; and their history abounded in such proud and endearing recollections, and teemed with events of such supernatural glory, and with characters of such holy faith and intellectual grandeur, that it would have constituted the strangest of all anomalies, had not the national imagination been peculiarly grand and elevated.

Their climate and scenery exerted a greater influence in moulding their character and giving a spirit to their poetry, than the same circumstances have done with almost any other people. The power of these causes is always greater perhaps, than we are disposed to believe. Their influence is silent, but it is constant and gradual, even from infancy to the maturity and decline of life. Their operation in aiding to unfold the faculties, and in giving a tinge to the poetical susceptibilities of the soul is indeed subtle, delicate, and refined. If it could be watched in its progress and measured in its power, as the more material influences can be, its extent, all-pervading though invisible, would astonish us. Could the idea of Foster be realised, and a mind which has arrived at maturity go back, step by step, through its past existence, and analyse and classify the innumerable influences which have contributed their share in the formation of the man, we apprehend that not the least powerful would be found to have proceeded from the appearances of external nature. And why should it not be so? Can any thing except the moral providence and the word of God be better fitted to refine and meliorate the character of an intelli-



gent being, than the ceaseless operation of such sublimity and beauty as he sees exhibited in the forms and hues of the natural universe? The contemplation of nature is a universal school of silent moral discipline. When devotional sentiments are united with a sensibility to natural beauty, and the mind beholds the Deity in His works, it is elevated by impressions whose power can scarcely be calculated, because they are unnoticed, and constantly recurring.

To the climate and scenery of Palestine we have to look from almost every page of the sacred poets for the explanation of particular allusions, and in order to the full enjoyment of their most beautiful imagery. It afforded in its variety almost all the elements of peculiar sublimity and beauty in the material world. It afforded them likewise in opposition and contrast. The extent of the country was indeed narrow, yet being intersected with numerous ranges of hills that were capable of cultivation even to the summit, its surface was in reality extensive, and the variety of its climate multiplied. 'At the foot of the hill grew the products of the torrid zone; on its side those of the temperate; on its summit the robust vegetation of the north. The ascending circles of the orange grove, the vineyard, and the forest, covered it with perpetual beauty.' The mountain ridges were not less salubrious and opulent in their various productions. The most careless reader of the Bible must have seen how the names of Lebanon and Carmel were connected in the imagination of a Hebrew with all ideas of fertility and delightfulness. The very appellation of the latter indicates the fruitfulness of its mountain-ranges, and of the valleys which they form; for Carmel literally signifies the *garden of God*. The summits of these ranges were crowned with forests of oak and fir; the valleys were covered with laurels and olives; and there was no want of fountains and rivulets, most grateful to the inhabitants of the East.

From the most deliciously beautiful and secluded vale, an Israelite might pass in a few hours to the grandeur of the cedar forest on Lebanon, or to the rocks and snows on the summit of Antilibanus. From the sweet lake of Tiberias he might find himself at no very distant interval walking on the bituminous and gloomy shores of the Dead Sea; and from a garden like the bower of the first pair in Eden, he might soon be transported to the savage sterility of the desert of Engeddi. There was an astonishing contrast and variety at different in-

tervals of season and situation in the river Jordan, whose origin is found in the perpetual snows of Antilibanus. After measuring a subterranean journey of a few miles from the foot of the mountain, it bursts from the earth with noise, and then, after a few miles of verdure and fertility, passes into the lake Merom. Here the beholder might at one season in the year, cast his eye over a broad and beautiful expanse of water, and at another over an almost interminable marsh, covered with shrubs and rushes, the abode only of wild beasts. Again when the snows melted on the mountains, the reedy marsh became a sheet of pure crystal, bordered with luxuriant verdure and foliage. Pursuing the course of this celebrated river a few miles further, he found himself at the lake Gennesareth, or Sea of Galilee, or Tiberias; forever dear in the imagination of the Christian, from the memorable scenes acted on its shores, and from the appearance of our Saviour to his alarmed disciples on its bosom in the midnight storm. It was pure and sweet, secluded in its natural situation, and surrounded by elevated and fruitful declivities. Passing from this delightful lake, the river flowed onwards, increasing in beauty and size, through a tract of country, to which its waters and tributary streams imparted such a freshness and fertility, that it was termed by way of eminence, the region of Jordan. And then, after all this variety, and from all these scenes of purity, fragrance and life, it was swallowed up in that image of all stagnant and frightful desolation, the Dead Sea.

There were similar transitions, at some seasons, in an incredibly short space of time, over the whole face of nature. 'In spring and summer, if the east wind continues to blow for a few days, the fields are in general so parched, that scarcely a blade of any thing green remains; many rivers and streams are dried up, the others are rendered briny, and all nature seems at the point of dissolution. After a plentiful shower, however, the fields revive beyond all expectation, the rivers resume their course, and the springs pour forth more delicious water. Dr. Russell has described this regeneration of nature in most lively colors in his *Natural History of Aleppo*, a book which every man ought to read, who wishes, not only literally to understand the Oriental writers, but to feel them.\*'

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\* Michælis upon Lowth. The learned annotator, was, however, mistaken in his reference to the work here mentioned.

Earthquakes, perhaps the most terrible of all natural phenomena, were common, and likewise the severest thunder and lightning. There were also other calamitous as well as wonderful appearances and productions of nature, with which Palestine was from time to time visited. Such was the hot and deadly wind called by the Arabs Simoon, and by the Turks Samyel, which might be seen approaching from the distance, like a cloud, tinged with red as a rainbow, and attended with a rushing noise. The devastation of the locusts was another natural calamity, described with such fearful, but exact colors, in the second chapter of Joel.

Such a climate and such scenery and phenomena could not and did not fail to give a rich poetical cast to the whole popular mind.

The manner of life among the Hebrews was such too as brought them most completely under the influence of all the various appearances of nature. They were, till the conquest of Canaan, entirely a nation of shepherds; and though they afterwards in some measure laid aside their Nomadic habits, yet they still continued husbandmen; and the mildness of their climate, as well as the nature of their employments, kept them constantly in the open air, and alive to all the influences of natural scenery and phenomena, to a degree, which with us exists only in imagination. By the laws of Moses, agriculture was in reality made the basis of the state. It was a highly honorable employment; so that while the greater part of the people were, in their ordinary occupation, husbandmen, the richest and the noblest among them did not disdain to engage in rural labors. To every citizen was divided by the inspired legislator, an equal portion of land, which he and his sons after him might cultivate; nor could it be alienated from the family, for a longer period than until the great returning jubilee. How powerfully must this institution have tended to keep alive in every bosom the feelings of patriotism and the ties of family endearment, as well as to preserve a primitive and happy simplicity in character and manners! It has been well called the strongest and most benevolent bond that ever bound man to his country.

Such were a few, for after all we have mentioned only a few, of the circumstances, which may have combined to give to the Hebrew imagination its mingled richness, grandeur and simplicity, and its peculiar spirit and coloring to their poetical



composition. Yet we have exhibited a rich enumeration. What nobler materials could have been desired, out of which to mould a lofty-minded and religious national character, or to build up a holy, grand, elevated, and ample national literature ! A delicious climate ;—the cultivation of a fertile soil and the contemplation of the most diversified scenery as their daily employments ;—a history full of all thrilling, patriotic and devotional recollections ;—a glorious theocracy as their form of government ;—a sanctified and magnificent priesthood ;—a ritual, imposing in its external glory, and in almost every particular, teeming with high associations, and pregnant with prophetic meaning !

It is delightful, in reading the Sacred Poets, to trace the direct influence of all these circumstances, in passages of extreme beauty, occurring to the eye on almost every page. Our limits will not suffer us to be thus particular. Yet we cannot but glance at the general character of that class of their poetry, which is descriptive of natural beauty, or founded on their admiration of the works of Jehovah. They drank in the delicious influences of climate and scenery, and poured forth their emotions as inartificially and unconsciously as the warblers of the grove. In the absence of all foreign and far-fetched imagery, they dwelt with a contented fondness on the scenes amidst which they had been born and nurtured, with a purity and exultation of feeling, which powerfully captivates the heart. They never sought to astonish by magnificence, either in words or images, but were unstudied in their simplicity, and satisfied with expressing the truth. Yet they expressed it with vivid intensity, in words and figures that are flashing with life and energy.

When they looked forth upon the glories of nature, the idea of God as the Sovereign of their own State, no less than as the Creator and benevolent Ruler of the universe, and the only object of religious veneration, was continually before their minds. There was hardly a spot, which was not consecrated by the grateful recollection of some supernatural interposition of his providence. Wherever they turned their eyes, it was not merely the luxuriant fertility, or the sublime features of the scene, which told them of the goodness, and wisdom and power of Jehovah ; the country possessed a more endearing memorial, it was connected with a more thrilling association. It spoke to them of the strange miracles which God had wrought for the

protection of his chosen people, and the destruction of idolatrous nations.

O God, when Thou didst march forth before Thy people,  
 When Thou didst march through the wilderness,—  
 The earth shook, the heavens also dropped at the presence of  
 God ;  
 Sinai itself at the presence of God—the God of Israel !

Their thoughts were never shut in by the mere limits of their physical vision, but always soared upward to the contemplation of the Deity. When they attempted to describe His works, their lips involuntarily uttered His name. God was in every thing, and every thing had a voice of praise to Him. The fields, the forests, the rivers, and the mountains, exulted in Jehovah, like animate intelligences.

The hills are girded with exultation,  
 The pastures are clothed with flocks,  
 The valleys are covered with corn,  
 They shout for joy, yea, they sing.

They looked upon creation, not with the feelings of natural philosophers, but with the fresh admiration of the soul. No system of philosophy chained down their attention to secondary causes ; they looked to God. The 'course of nature' was not ; they had no term for it ; they formed no idea of it ; it was God. The universe and its minutest existences hung suspended on His ever-present, ever-acting, everlasting agency. Each night His hand guided the stars in their courses ; each day He renewed the light, and garnished the earth with beauty. Not a flower, but was the object of His care ; not the meanest animal, that did not live by His goodness.

He prepareth rain for the earth,  
 He maketh grass to grow upon the mountains.  
 He giveth to the beast his food,  
 To the young ravens which cry.

He is represented as the Universal Father, providing daily for the wants, and taking care of the happiness of his innumerable family. It is this which gives to the one hundred and fourth psalm its inexpressible beauty.

These wait all upon Thee,  
 To give them their food in its season.  
 Thou givest it unto them,—they gather it ;  
 Thou openest wide Thine hand—they are satisfied with good.

All creation repairs, like a child, to its Father, and retires, contented and rejoicing in His care. The Sacred Poets never contemplated the glories of Creation, but with the lively gratitude of sincere worshippers, delighted to witness and to feel the all-pervading mercy of Jehovah. The utterance of their ecstasy at the view of the scene before them, was the fervent expression of real emotions. They loved a minute enumeration of its beauties, because it was a moving, animated picture of the glory and benevolence of God; because their souls were moulded by its influence, their hearts were touched with human kindness, they sympathised with the happiness of all animated nature, and rejoiced to sing forth their grateful, involuntary praises to the Giver of good.

There is scarcely an object in nature, which they do not personify. The sun, the moon, the stars, the winds, the clouds, the rain, are the ministers and messengers of Jehovah. The fields and the trees break forth into singing, and even clap their hands for joy. The mountains melt at His presence, or flee from His wrath in terror; and the sun and the moon hide themselves from the terrible flashing of His armor. What unutterable sublimity do such bold personifications communicate to that chapter in Habakkuk, commencing, *God came from Teman,—The Holy One from Mount Paran.*

The mountains saw Thee, and were troubled;  
The overflowing of waters passed away;  
The deep uttered its voice,  
It lifted up its hands on high.

The sun and the moon stood still in their habitation;  
In the light of Thine arrows they vanished,\*  
In the brightness of the lightning of Thy spear!  
In indignation Thou didst march through the land,  
In wrath Thou didst thresh the heathen.

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\* Several distinguished critics render this passage, *they went*; making the personal pronoun refer to the Israelites, who, he thinks, are here described as marching forth to victory by the flaming lightning of Jehovah, represented as His armor. Herder, with a more poetical conception of the passage, and perhaps one which is equally critical, says, that the sun and moon are here described, in the Oriental manner, as advancing to the door of their tent, to gaze at the fearful commotion around them; but overpowered and terrified by the flashing of Jehovah's armor, they start back, and vanish or hide themselves from its brightness.



The poetry of the Hebrews should scarcely be mentioned in connexion with that of other nations, but to point out its vast and delightful superiority. In the influences and the circumstances under which it grew, it has scarcely any thing in common with the poetry of the Pagan world. Excepting the important fact that we, like the Sacred Poets, are acquainted with the true religion, it is still more diverse in these respects from the poetry of modern times. With them, it was the pure offspring of nature. They had no critics, they knew no laws of rhetoric, no technical variety of composition. The schools of the Prophets were the only institutions in which they made the power of conveying instruction, oral or written, any thing like a study. There they prepared themselves in human learning, and when the Spirit of Inspiration descended upon them, the prophecies and the poetry they uttered were not untinged with the hues of their own genius and feelings. On the contrary, every peculiarity of individual intellect was made vividly conspicuous.

Though the point admits of doubt, it is of little importance to know whether the earliest snatches and glimpses of poetry, which we meet with in the Old Testament, such as the blessing of Jacob, and the prophecies of Balaam, were at first uttered precisely in their present form, or reduced to it by the narrator. The wild, hurried, mournful, unwilling strains of Balaam's sublime predictions, are full of the appearance of having been the immediate, irresistible, we had almost said, verbal inspiration of the Spirit of God. The King of Moab, finding it impossible for Balaam to curse Israel—'How shall I curse whom God hath not cursed?'—placed him in three different situations. 'Come, I pray thee, I will bring thee unto another place; peradventure it will please God that thou mayest curse me thence.' We behold the prophet in imagination, standing amidst the princes of Moab, on the high places of Baal, or the summit of Pisgah, his arm outstretched and pointing to the white tents of Jacob, which spread out far and peacefully over the plain beneath him, his countenance almost transfigured by the vision of his soul—bursting forth at once into the most majestic strain of prophecy and poetry.

Lo! the people shall dwell alone,  
They shall not be numbered among the nations!  
Who shall count the dust of Jacob,  
Or the number of the fourth part of Israel?

Let me die the death of the righteous,  
And let my last end be like his !

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I shall see him, but not now !  
I shall behold him, but not nigh !  
There shall come a Star out of Jacob,  
A Sceptre shall rise out of Israel.

\* \* \* \* \*

How goodly are thy tents, O Jacob !  
Thy tabernacles, O Israel !  
As the valleys are they spread forth,  
As gardens by the river's side,  
As the trees of aloes, which the Lord hath planted,  
As the cedars by the water-courses !

Balaam is the most sublime example of the nature of the prophetic impulse, in the whole Bible. From the account given of him (Numbers, xxii. xxiii. xxiv.) we should deem it very probable, that we have his words precisely as they came from the lips of the excited prophet. There is the same probability in regard to the blessing of Jacob. Yet the present highly sublime and poetical structure of these pieces might have been given them by Moses. None can doubt his ability. His Ode on the Passage of the Red Sea, his prophetic blessing on the tribes of Israel before his death, his song of warning to the congregation, and the ninetyeth Psalm, prove that he possessed a genius equal to that of the finest poets of his nation.

It is probable that much of the poetry in the Old Testament, the prophetic poetry, was composed, as we say, extempore ;—uttered in a poetical form—the best adapted to the expression of sublime ideas and excited feeling—under the immediate influence of inspiration. From the example of Elisha, (2d Kings, iii. 15,) who, when about to deliver a message from Jehovah, called for a minstrel, and when the harp was touched, ‘the hand of the Lord came upon him,’ and from other instances, we are led to believe, that the Hebrew prophets and poets may have often composed with the aid of instrumental music, uttering their predictions, or chanting their extempore hymns to accompany the strain.

In regard to Isaiah, there is internal evidence that his predictions were not committed to writing till after they were spoken, and the highest probability that they were spoken in their present form. From the very instructive and interesting

account in Jeremiah xxxvi. we find, that in the fourth year of king Jehoiakim, the prophet, by the command of God, dictates to Baruch the scribe, for the first time, all his previous prophecies. After this roll is destroyed by the angry monarch, Baruch again writes 'from the mouth of Jeremiah, *all the words* of the book, which Jehoiakim, king of Judah, had burned in the fire; and there were added besides unto them many like words.' From such passages there is reason to believe, that the prophetic poetry of the Old Testament comes to us exactly in the words and the form in which it was at first spoken. It can scarcely be otherwise; for why should the prophet alter or remodel what he had originally uttered from inspiration, and what all who had heard it could not fail to recollect?

The parallelistic arrangement is the most marked and general characteristic of Hebrew poetry. Though it became more regular with music and dancing, and though it seems to have been customary with the Hebrews to chant their sacred hymns in alternate choirs, answering each other in the correspondent lines, yet it cannot be doubted, that we are to look to the constitution of the human mind for the origin of this system. Strong feeling is never satisfied with the simple assertion of a sentiment; it must be repeated and enforced by a variety and change of expression. The best specimens of Indian eloquence which we possess, exhibit some beautiful instances of a parallelism like that of the Hebrew Poets.

Whatever might have been its origin, it exhibits itself not only as the characteristic peculiarity of the sacred poetry, but as one of its most beautiful features. Its simplicity is such that it never tires or becomes monotonous, but always falls upon the ear with new gratification. An English poet and critic finely remarked in regard to it, 'In repeating the same idea in different words, the Hebrew muse seems as if displaying a fine opal, that discovers fresh beauty in every new light to which it is turned. Her amplifications of a given thought, are like the echoes of a solemn melody; her repetitions of it, like the landscape reflected in the stream. And whilst her questions and responses give a life-like effect to her compositions, they remind us of the alternate voices in public devotion, to which they were manifestly adapted.' This subject is illustrated with great beauty in the nineteenth of Lowth's Lectures. It would seem incredible, were it not palpably exemplified in the most sublime instances, that the



simple repetition of an idea, often with very little variety, even in the expression, can be productive of so powerful an effect. The twenty-ninth Psalm, which is so full of majesty, owes the strength of its impression on the soul of the reader in a great measure to the amplification of one or two sublime ideas in the nervous simplicity of the Hebrew parallelism. We may be permitted to illustrate this truth by a short quotation.

The voice of Jehovah is upon the waters ;  
The God of glory thundereth ;  
Jehovah is upon many waters.  
The voice of Jehovah is powerful ;  
The voice of Jehovah is full of majesty.  
The voice of Jehovah breaketh the cedars ;  
Jehovah breaketh the cedars of Lebanon.

Whether the Hebrew poetry possessed any regular metre in connexion with this parallelism, or what was its exact nature, we have no means of determining. The frequent adaptation of its strains to music, renders it probable that it must have been regulated, if not by syllabic laws, yet by fixed principles of harmony and cadence. The corresponding alternation of its distichs may be denominated verse ; but this arrangement was unfettered with rhyme, and adapted itself with an agreeable irregularity to the various character and symmetry of the thought. For this reason, a professed translation of the Sacred Poets is displeasing, unless the parallelistic divisions be as nearly as possible preserved, without the addition either of rhyme or metre. The English language seems to be the best adapted of all modern tongues to the accomplishment of this purpose ; because it is the one which expresses most distinctly the spirit and beauty of the original with the least variation from the form and letter. In rendering all other foreign poetry into his own language, the translator may often, with the greatest happiness, vary both the coloring and expression of his author's thoughts ; and he is not unfrequently obliged to call in the aid of metre and rhyme, sometimes to cover the poverty or conceal the extravagance of the sentiment, and generally, to give additional pleasure to the reader. But in a translation from the Sacred Poets, the mind involuntarily rejects every foreign ornament ; it asks for no artificial beauty which the original does not possess ; it demands the soul of the poetry in a garb as plain and simple as

the idiom of a modern language will possibly admit. It is a striking proof of the amazing power of the Inspired Poets, that they cannot be divested of their native majesty and beauty, even in the most languid versions of the most miserable tongues; and on the other hand, that with the most vivid, accurate, and admirable translation of which any language is capable, it is impossible to convey an adequate impression of what the mind feels, when admitted to enjoy the full excellence of their poetry in the very idiom in which it was originally uttered.

One great cause of the difficulty of conveying its spirit fully into other languages, is found in the character of life, breath, and motion, which belongs to its bold and figurative expressions, notwithstanding their remarkable simplicity. They invest the thought and display it before the mind, as the most transparent atmosphere surrounds the beautiful objects and appearances of the natural world, presenting them perfect to the vision. Imagination and language seem moulded into one, and inspired with the same ceaseless energy. Thus the activity of that subtle power is never compelled to wait for the service of words; it seems as if at every new movement it created a new and picturesque idiom to answer its demand, and clothe the ideal image with life. Other languages employ abstract terms and dry delineations of thought; but the Hebrew refuses them, and indulges its love of powerful metaphor by investing abstract ideas and inanimate objects with all the vivid attributes of existence. The morning stars are *sons of the dawn*; arrows are *sons of the bow, or of the quiver*; the hills are *girded with exultation*; the deep *uttereth its voice, and lifteth up its hands on high*; the ark *walks upon the face of the waters*; the blood of Abel *cries from the ground*; and *the shadow of death is on the eyelids of the mourner*. Again, when they describe a tumultuous commotion, they speak of *the roar of the waves and the tumult of the people*; and when the voice of Jehovah is uttered, there is the stillness, and trembling, and 'melting away' of the earth and the nations. To their remarkable simplicity, and the united grandeur, familiarity, and frequent use of their metaphors, are owing, in a great measure, the strength, vividness and energy of their descriptions.

They had no languid, luxurious, or sonorous epithets, such as those with which other poets often encumber and weaken their thoughts, and which are often considered, with great perversity of taste, a rare beauty in poetical composition;

they had even none such as the Greeks and Romans used, nothing like the 'silver-footed,' or the 'golden-haired,' or the 'far-darting.' We all remember the ἀργυρόπεζα θεῖς, the κορυθαίολος Ἑκτωρ, the νεφεληγερέτα Ζεὺς, the πολυφλοίσβοιο θαλάσσης, and, still more richly poetical, the εἰνοσίφυλλον Πήλιον, of Homer. The Greek is full of such picturesque and imaginative expressions, and Homer, of all poets, uses them with the most admirable freedom and skill. Our own language too is not unadorned with this beauty. Milton, who almost thought in the rich languages of antiquity, exhibits many fine examples of it, such as 'sable-vested night,' 'drowsy-flighted steeds,' 'close-curtained sleep.' Collins, another master of the mingled richness and fineness of our language, uses compounds of great merit; we recollect the 'dim-discovered spires,' in his Ode to Evening. In the older poets, Spenser, Drayton, Shakspeare, they often occur. But the Hebrews, in their severe simplicity, seem almost to have disdained to resort to such artificial combinations, however beautiful. The genius of their language is superior to them. Their adjectives do not even admit an alteration from the positive form; the comparative degree being expressed by prefixing a preposition to the noun; the superlative has no appropriate form or construction, but is expressed by various circumlocutions. They have no compound epithets. They accordingly express their thoughts with the most unconscious simplicity, and seem to have known no such thing as an attempt to elaborate their language, or retouch its colors. The arts of criticism and correction did not then exist. They wrote, not for fame, not from imitation, but from unsought and irresistible impulses; from the free flow of devotional and patriotic feeling. All was pure nature, fresh, young, undiseased.

The peculiar construction of their language rendered it more poetical than any other in existence. Herder called it 'an abyss of verbs and verbal derivatives—a sea of energetic expressions, agitated and tossing with life and motion.' To those who are acquainted with the Hebrew tongue, the figure is not extravagant. Almost every noun looks to the verb as its ancestor, and communicates to all successive derivations the same character of activity which it received from its own origin. The nouns too are used as adjectives, and preserve, through all their shades and changes, the life and energy of the parent stock. The verb is the strong trunk of a noble tree, whose



boughs and foliage and fruits constitute the whole wide-spreading language. Its conciseness is likewise such as cannot be imitated in any other tongue. Particles—which invariably weaken, at the same time that they connect a language—have scarce a separate existence, being joined to some important word. Conjunction, pronoun, and verb, form but one word; object, subject, and predicate, may be uttered in one. The English circumlocution, ‘and he said to me,’ would be expressed by the Hebrews in a single term; and as a still more remarkable example of this peculiar brevity and force, they might utter in one word the whole English sentence, ‘as he has given to me.’ It is no wonder that with such a language they could be sublime; and how much of their sublimity must necessarily evaporate in a translation!

Again, they have but two tenses, and the first may be used indifferently for past, present, and future; yet without creating obscurity in the sense, or want of exactness in expressing the nicest shades of meaning. This change of tenses gives an astonishing vividness to their poetical composition, and converts their very history into poetry. If they prophecy a future event, it is present; if they relate a past one, it is also present. Everything breathes, moves, is a living reality, in the mind, and is clothed with life in the expression.

In order fully to appreciate the beauty and understand the meaning of the Hebrew poetry, it is absolutely necessary for the reader to be acquainted, not merely with the language in which it is written, but with the sources from which its imagery is drawn. His mind should be imbued with an atmosphere of Orientalism. By the study of the history, climate, scenery, manners, &c. of the Hebrews, he should become so familiar with every thing relating to their modes of life and feeling, as to be able, when reading their compositions, to read them with something of that general state of mind in which they were written. It is the duty of every student in Theology, at least, thus to prepare himself for their examination. Yet it is a rare circumstance to find an individual, who gives to this study its due weight and its proper place. An adequate knowledge of sacred geography and of Oriental customs is uncommon; and there are some students, who nobly appreciate the importance of a constant perusal of the scriptures for the acquisition of their spirit, spending hour after hour in the devotional contemplation and study of divine truth, yet strangely neglect that other part of

discipline and duty, and never think of consulting Bochart, Niebuhr, Calmet, or Reland.

To the prevailing disregard of such a method of studying the Hebrew scriptures was added, till the latter part of the last century, a very general ignorance of their real nature. If it was known that such a thing as Hebrew poetry existed, yet the prophetic writings were never believed to belong to its department, and no one had attempted to point out its peculiar characteristics, till Lowth applied himself so successfully to the investigation of this subject. Before the appearance of his volume, scarcely any thing had been accomplished in the whole wide range of sacred literature which it occupies. The English theologians had confined their labors principally to the preparation of paraphrastical commentaries on the Sacred Books, which, however calculated to edify the devout reader, were admirably adapted to conceal the want of profound investigation, and to make both writer and reader satisfied with superficial views. These had been very generally translated and imitated in Germany; for it was not till after this period, that the German mind was roused to those efforts in biblical learning, which have since produced such astonishing results. Singular as it may seem, it was undoubtedly Lowth's work, which gave the first impulse to these studies in that country, and animated a whole host of profound scholars to follow in his train. This is nobly acknowledged by the Germans themselves. 'Let no man forget,' says Eichhorn, 'what he was for his own age; how beneficial was his influence upon his contemporaries; that we have become what we are, in part at least, by his aid; and that he has helped us forward many steps by his investigations and masterly example.'

The previous critical investigations of the most learned biblical scholars, both in England and on the continent, had been principally confined to the classification and comparison of manuscripts, and the settlement of the scriptural text. Such had been the profound and patient researches of Cappell and Carpzof, Walton, Wetstein and Mills. Father Simon, in France, had nobly distinguished himself in the critical history of the sacred text and interpretation. Glassius went far beyond his own age in his volume on the style and literature and interpretation of the Old and New Testaments. Bochart, a country-parish minister in France, had published works on sacred geography and natural history, which continue to be

the great sources of real learning on those subjects. English scholars had also, incidentally as it were, distinguished themselves by an acquaintance with the literature of the Bible, and the manners and domestic life exhibited in it. Such were Selden, Milton and 'the very learned Hyde.' But the whole field of Hebrew poetry lay untouched. Lowth was fortunate indeed in being the first adventurer to investigate a region so delightful. While the clergymen of the English church had been profusely lavishing their labors, and seeking every opportunity for the display of their learning, in the explanation of the Grecian poets, they had wholly passed by this mine of inestimable richness. It was left to be explored by a man, whose religion inspired him with better motives than those of merely human ambition, whose modesty kept him from presumption, whose accomplishments in the whole circle of English and classical learning were profound, and whose biblical erudition, especially his acquaintance with the Hebrew language, well qualified him, in this respect, for the task.

Neither an adequate knowledge of the Hebrew, nor any depth of critical investigation would alone have prepared him for a labor at once so erudite and delicate. It required a mind skilled in all the principles of eloquence, and acquainted with the history and philosophy of poetry ; a taste refined in an uncommon degree, and a judgment deep, acute and penetrating. Lowth's original genius was of a very high order, and his education had been comprehensive and noble. His intellect was imbued with the richness of the literature of Greece and Rome, and his taste had been cultivated to an exquisite refinement of discrimination. The stores of erudition which he had amassed, never encumbered his mind, nor destroyed its more imaginative susceptibilities. Those rough treasures were all melted down in the fire of his genius, which converted them into brilliant transparencies, and tinged his most laborious acquisitions with the hues of a vigorous and active fancy. In that age, an English education was varied and rich and massive, to a degree, which did not exist in any other country, and which has not existed since in England. The University of Oxford especially, which was the Alma of Lowth, laid the ground-work deep and radical, in the knowledge of the ancient classics. Eichhorn refers to this, as the grand reason why the English scholarship of that age was so much more rich and beautiful, if not more profound, than that of the Germans. It is this also,



in a great measure, which gave its grandeur and massiveness to the earliest and best age of English literature. The habit of such an intimate study of that most perfect of all languages, the Greek, as would enable the youthful student to write it with ease and accuracy, communicated to the native style of the great English writers of that day a rich copiousness in language and a nobleness in the construction of sentences, which has almost passed from existence. To the discipline of Lowth's mind, in the composition of both poetry and prose in the ancient languages, must be attributed in a great degree the majestic elegance and dignity, which his own style certainly possessed.

Its energetic spirit, both in language and thought, are to be traced not merely to his classical education as its origin, but to another source. For while the classical attainments required in a course of liberal study at that day, were broader and deeper than in ours, the discipline in other branches of science, and in the noble, native literature of Great Britain, was proportionably vigorous, original and varied. Such minds as Lowth's and Burke's and Johnson's were formed upon the study of a native literature, strong and magnificent in its cast. They were formed by an intimate communion with men such as Milton, and Hooker, and Leighton, and Barrow, and Chillingworth, and Taylor, and Stillingfleet, and Usher, and Selden and Hyde; and, we might almost say, a host more like them—men of comprehension and energy, from whose writings wisdom and learning were dealt out to their readers in whole ingots, instead of being beaten into gold leaf, or frugally scattered here and there in parsimonious grains—men of gigantic intellectual grasp and sublime fancy—mighty in reasoning, and not less powerful and grand in imagination—men, too, in whose souls the agitating circumstances amidst which they were born and nurtured, had conspired to nourish a republican freedom and firmness of thought, and a range of sentiment elevated far above any thing insignificant and mean. Can we wonder that scholars like Lowth have disappeared, when the iron cradle, in which their genius was rocked, has been laid aside for the silken swaddling-bands of Addison and Blair? It is a favorable indication in the spirit of the present age that a taste for those old and noble writers, on whose model such as he were formed, is beginning to return among us

It is a remarkable circumstance, that Lowth entered on his task, not as a biblical critic, nor in his province of theologian ; but as professor of poetry at Oxford. He chose the Hebrew poetry as the subject of his first course of lectures, after the example, as he tells us in a happy classical allusion, of Socrates ; who began his musical studies by composing a hymn to Apollo, because he thought that the first fruits of his poetry ought to be consecrated to the immortal Gods, and that it was not lawful for him to descend to lighter subjects, before he had discharged his obligations to religion. He chose it because almost every common path had been trodden by his predecessors in office, while this afforded a field of investigation altogether original, and most grateful to his fine taste and religious disposition.

It was his object in the execution of his plan, to develop the beauties of the Sacred Poets in a view, which should arrest the attention of his hearers, and lead them to the farther prosecution of a study so full of profit and delight. To his pupils the subject was altogether novel. They had been conversant principally with the poetry of Greece and Rome ; and it was at that day the prevailing habit, to criticise all poetry according to the models of the ancient bards and the laws of ancient critics. In France, there was no such thing known as a simple and natural perception of poetical beauty, or a truly philosophical and unconstrained manner of poetical criticism. And even in England, the examples of Milton and Shakspeare had hardly yet superseded the dogmas of Aristotle and Longinus, or brought critics to consider, that there might be other models beside those of Homer and Virgil, Euripides and Sophocles. It was therefore very natural for the Oxford professor, in pointing out the peculiarities and the beauties of the Hebrew poetry to the admiration of his audience, to measure its excellence and illustrate its merits by comparison with that standard, to which they had so long been accustomed to refer. He proceeds to divide it into the various technical departments,—the lyric, the elegiac, the didactic, the pathetic, &c.—where the Hebrew poets never thought of such a division, nor wrote with the most distant design of making it. It should have been treated, as far as possible, with a forgetfulness of all other models, and a disregard of all pre-established rules ; as apart, distinct, peculiar—just as if there were no other poetry in the world. Still, we should be sorry to have lost his

discriminating criticisms on the poetry of Greece and Rome, and the exquisite selections, which he produced to adorn and illustrate his work.

In its progress, he found occasion to draw from all his resources of invention, learning and illustration. He displayed a vivid imagination, mingled with richness of thought and gentleness of feeling, a keen perception of poetical beauty, a power of philosophical criticism, and as great ease in the use of the Latin language, as if it had been his vernacular tongue. The purity and beauty of his Latin prose style has hardly been surpassed since the age of Augustus. Unfit as that language is for the purposes of acute and refined criticism, his felicity in adapting it to the expression of his ideas is remarkable. In reading the English translation by Gregory, the impression is left on the mind of the reader, that Lowth's style is deficient in definiteness and appropriate richness of language. Every one, who is acquainted with the power and beauty of Lowth's writings in his native tongue, must regret that he did not originally compose the Lectures in the English language. They would then have been a noble specimen of idiomatic beauty of composition, as well as a model of just and delicate criticism. As it is, the defect in the English dress is to be attributed to the translator, whose own style of writing was clumsy and unimaginative.

The example of Lowth in this great work pre-eminently shows, how much may be accomplished simply by the patient study of the scriptures. With the cognate dialects of the Hebrew he was perhaps totally unacquainted; nor was he very intimate with the peculiarities of the Oriental world. Yet by the persevering study of the Old Testament he attained a profound knowledge of the Hebrew language; and his discriminating judgment, exquisite taste, and acquaintance with the Hebrew history and antiquities, prevented his criticism from ever becoming loose, indefinite or extravagant, and made him successful in discovering the sources of poetic imagery. There is simplicity and truth in most of his reasonings. He makes no parade of learning, either of that which he really possesses, or of the semblance of that whereof he is destitute. There is nothing labored in his conclusions, nothing affected in his sentiments, nothing arrogant or hasty in his remarks; all is free, gentle and candid. He was making discoveries in a region entirely new, yet he does not announce them with the



bold eagerness of an adventurer, but with the mild philosophy of one who is seeking for truth, and with even a painful sense of the delicacy and responsibility of such an office.

A work so important in its connexions, so novel in its character, and conducted with so much learning, modesty and taste, could not fail to arrest the attention of learned men both in his own country and on the European continent. It opened their eyes on a new scene of the most interesting researches, and formed absolutely a new era in intellectual activity. It drew aside the veil, which had so long concealed the grandeur of inspired poetry, and made it to be relished and acknowledged. It threw new light on the explanation of the Old Testament, and introduced a more acute and correct method in the investigation of the sacred poetical books. His lecture on parallelism,—the peculiar characteristic of the Sacred Poets,—was altogether the work of original genius, and suggested a guide for the interpreter, the various uses of which; in discovering the meaning of particular words, in illustrating different forms of expression, in elucidating the sense of obscure places, and in the general critical examination of Hebrew poetry, cannot be imagined by any one who has not experienced its value. He resumed this part of his subject in the preliminary dissertation to Isaiah, where he went into a more full and minute investigation of the nature and principles of the Hebrew parallelism, than his limits as a lecturer would have permitted him to do. This great peculiarity in Hebrew poetry, from an ignorance of which very many of the errors of commentators and critics have originated, had before been scarcely hinted at. Azarias, in the seventeenth century, made some obscure suggestions in regard to it, but no one understood its nature, or had traced it in the Sacred Books, or attempted to deduce from it any practical utility. Schleusner followed Lowth on this subject with great learning and talent.

Though in itself the fruit of mature judgment and erudition, yet so little is this work encumbered with the heaviness or the display of research, that a reader who is altogether uninformed beyond the compass of his own language (if he have any poetical susceptibilities) will peruse it with the greatest delight. We deeply regret that it is not more known beyond the precincts of the clerical study and the theological institution. Were it as generally perused as its excellence deserves, it would elevate and purify the taste of the whole community. Who

could endure the prurience and blasphemy of Byron, or the voluptuousness of Moore, after having had but a glimpse of the glorious poetry of the Scriptures? Who would not relish Milton and Cowper with a deeper pleasure, after having himself tasted the richness of the fountain, at whose depths they drank so largely—after having been instructed in the highest principles of an art, which here claims the wisdom of the Deity as its origin?

We have spoken of Lowth's pure and elegant Latinity. He wrote Latin poetry which is hardly surpassed in beauty by that of Horace himself. Of this we have very many examples in the exquisite Latin translations from the Sacred Poets, scattered throughout this volume. There are no English scholars, who have equalled Lowth's attainments in this elegant art, in any degree, but Sir William Jones and the poet Gray. The epitaph on his daughter's tombstone is well known. Nothing can surpass its sweetness and its pathos. She was his first and favorite child.

Cara, vale ! ingenio præstans, pietate, pudore,  
 Et plusquam natæ nomine cara, vale !  
 Cara Maria, vale ! At veniet felicius ævum,  
 Quando iterum tecum, sim modo dignus, ero.  
 Cara, redi, læta tum dicam voce, paternos  
 Eja ! age in amplexus, cara Maria, redi.

While Lowth was lecturing at Oxford, the learned Michaelis, then a young student, visited England, and heard him deliver one of his lectures on the sacred poetry of the Hebrews. Not long after the lectures were published in England, Michaelis prepared an edition in Germany, with very copious notes, which was published at Göttingen in 1758 and 1761. These notes were a treasure of Oriental learning, and supplied whatever deficiency there might have existed in the lectures, arising from the want of an exhibition somewhat more complete, definite, and accurate, of the peculiar manners, climate, scenery, and dialects, of the Oriental world. They were the fruit of original investigations, pushed forward amidst every obstacle, with an energy in the cause of sacred literature, which animated no other man living. There is no scholar, who does not feel indebted to the venerable Michaelis for the accession which he thus brought to the means of illustrating the Hebrew poetry. The expedition which this great man prepared from

his quiet abode in Germany, to visit the East in search of information that might throw light upon the Bible, has something very sublime in its character. He planned and directed it himself, and drew up a list of questions for its guide, with a sagacity and a depth of knowledge that astonished the *literati* through all Europe. The expedition, though reduced in a few months by death's melancholy inroads from five individuals to one, resulted in the travels of Niebuhr. The discrimination with which Michaelis applied his inquiries to a more judicious and worthy exhibition of the meaning and beauty of the Sacred Poets, evinced a purity of poetical taste, which the admirers of his great learning have overlooked in the enumeration of his merits. When he attempted to write poetry himself, he was not indeed so successful; and was clearly mistaken when he said of himself, that had it not been for a few years' neglect of the practice, he might have written Latin poetry with the same elegance, which he admired, even to enthusiasm, in the translations of Lowth. Some of his notes on Lowth's work contain remarks on the interpretation of the sacred poetry, which are said to have given origin to several of the most splendid works since published in Germany. It may gratify our readers to be presented with the following graphic sketch of the manner of this celebrated Coryphæus of German literature in the lecture-room, drawn by one of his students, Dr. Schultz, of Giessen.

'Very often his glowing imagination, supplied with an inexhaustible fund of knowledge from every department of the sciences, lost itself with his voluble tongue in story-telling and dramatising an event or an argument, wide enough from the point from which he set out, and to which he must again return. The habit of eagerly seizing all sorts of figures and queer allusions and strange witticisms, though they would meet him only half-way in his progress, was constantly leading him off into the wildest by-paths; and then he heard himself talk with such exquisite delight, that at the end of the whole hour, nothing would be left but the gratification of a merry entertainment. In this respect he was particularly irksome to the more cold-blooded part of his students, who were looking for instruction. Whenever his keen eye, which was constantly darting around all parts of his lecture-room, happened to detect a stranger, he was sure to entertain him with a few quaint jests, good in their kind, only a little too evidently introduced for the occasion. As they were mostly derived from law, or from some other science that lay altogether



without the boundaries of theology and the Bible, they must necessarily have surprised the guest so much the more, and filled him with wonder at the learning of the lecturer. The obstreperous laugh poured forth on occasion of his jokes from the full throats of a hundred of the most thoughtless students, and the complacent smile displayed on the countenances of some ten or fifteen among the more cultivated and intelligent ones, were extremely gratifying and delightful to his feelings. Such, indeed, was the great man's weakness on this point, that he not unfrequently laid himself out with evident and laborious effort to raise the laugh precisely at the close of the lecture; then he would leave the room, as if in triumph, amidst the loud shouts of laughter, and while passing the door, you might see him cast back upon his audience a look, slily, but intensely expressive of his gratification and pleasure.

Next to Michaelis, though after a long interval of time, came the enthusiastic Herder, with all his vast learning and poetical genius, to the prosecution of this branch of sacred literature. We might lavish a eulogy on the character of this interesting being, as a poet, philosopher, philologist, and critic; and on the merits of his two great works in the department of sacred science, his *Letters on the Study of Theology*, and his *Dialogues on the Spirit of Hebrew Poetry*. In himself and in his writings, he has given a fine example of his own *ideal* of a perfect critic on the Hebrew poetry. He criticised the poetry of the Hebrews like one imbued with its spirit. The form of dialogues, which he chose for his work, was adapted to a flow of easy, natural remark, and unrestrained admiration, full of life and vividness, but in reality, the result of patient study and a most profound acquaintance with his subject. We obtain from this work the most exact information, while at the same time we are revelling in poetry. The stores of learning in the mind of Herder were imbued throughout with the subtle spirit of his genius. He wrote this work, it might be said, in tears. Mueller, his bosom friend and the editor of his writings, often found him, when engaged in its composition, weeping like a child, through the intensity of his feelings. The style is easy and rambling, but full of eloquence, and sparkling with poetic imagery. Herder carries us back by the power of his fancy and the truth of his descriptions, into the midst of the ancient Orientals, and surrounds us with the very atmosphere of their life and manners. Like Michaelis, without surpassing Lowth in elegance of taste, he possessed a more intimate ac-

quaintance with Oriental learning, because twenty-five years had provided new facilities for its attainment.

In 1815 Rosenmueller prepared in Germany a new edition of Lowth's work, to which he added many notes of his own, and corrected the errors into which Michaelis had fallen. Besides these writers, Sir William Jones, Eichhorn, Gesenius, De Wette, and some others, have since the time of Michaelis contributed not a little to the elucidation of this subject.

From all these authors, the American editor of this work has enriched it with valuable selections. He has also added a number of notes, which are entirely original. He has displayed in the execution of his task much sound judgment and research. All the notes he has selected are of sterling value; and those which are the result of his own investigations exhibit originality and learning. We may refer to the note he has given in regard to the Hebrew dialects and poetic diction as one of uncommon excellence, the result of original research. We cannot but express our gratitude for the extracts he has given us from the writings of Sir William Jones. Every thing that came from his accomplished mind is worthy of preservation; but his intimate acquaintance with Oriental languages and literature makes all his remarks on these subjects most precious. We are not sorry to see some of the selections from Rosenmueller and Michaelis, and from some other scholars, in Latin. It is indeed true, that every theological student, and every liberally educated man among us, ought to be able to read with delight a Latin style so easy as that in which most of the Latin notes in this volume are composed. Mr. Stowe has made this work a still richer accession to the library of every literary man, and a still more indispensable requisite for the study of sacred literature.\*

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\* Mr. Stowe is already known to the public as the translator of Jahn's History of the Hebrew Commonwealth. Shortly after its appearance in this country, this valuable work was republished in England, under circumstances which reflect but little credit on the character of those who superintended its publication. The translator's name was excluded from the title page, and for aught that appeared there, the work might have been supposed to be English. At the close of the preface was the following note: 'In this edition the whole has been thoroughly revised, and such alterations made as seemed requisite to render the author's meaning clear and intelligible. *The American edition indeed was so totally unfit for English readers, as to make this abso-*

In 1778, Lowth published his translation of Isaiah, with a preliminary dissertation and notes. In this work he displayed the same elegance of taste as in his lectures, with perhaps even more learning. Yet it is remarkable that all his erudition and all his modesty did not save him from errors arising from the boldness of his criticisms: His only fault as a sacred critic was a degree of what Archbishop Secker denominated the '*rabies emendandi*,' or rage for textual and conjectural emendations. The prevalence of this spirit in his work on Isaiah was the only obstacle that prevented its attaining the same rank as a classic in sacred literature, which has been accorded to the Lectures on the Sacred Poetry of the Hebrews. 'If Lowth, as his American editor very justly remarks, with all his genius and scholarship, was betrayed into such errors, when he attempted to improve the text of the Bible by his own conjectures, what can be expected from others, who without his talents and learning, imitate him in his daring spirit of conjecture? It should be remembered, however, to the honor of Lowth, that he usually proposes his emendations with all the modesty and diffidence characteristic of true genius;

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*lutely necessary.*' Notwithstanding this barefaced assertion, it is perfectly evident that the English editors had not even compared Mr. Stowe's translation with the original work, when they republished that translation in England. Their edition is in substance an exact reprint of the American. In some cases Mr. Stowe had deemed it expedient to deviate from the original; and in all such cases, the English edition followed the American, and not the German. The very typographical errors, such as 1446 for 1466, which had occurred in the American edition, were exactly copied in the English republication;—and of the profound and important nature of the alterations by which the English editor, in *revising the translation*, endeavored to adapt it more peculiarly to English readers, we may judge from the following instances. In the American edition, where Arabic words occurred, they were given in Arabic letters; but in the English edition, the Arabic words were represented by Roman letters; and in one instance the English editors *omitted the Arabic entirely*. Again:—the American edition, speaking of the tithes of the Levites, said, 'the tithes did not amount to any thing like those enormous sums, at which Morgan has arrived by his erroneous calculations.' In the English edition the sentence runs thus: 'the tithes did not amount to any thing near the enormous sums, which Morgan has erroneously *calculated them at!*' Could the English editors have thought that such changes as we have mentioned, occurring on almost every page, would *make the author's meaning more clear and intelligible*, and render the work *more fit for English readers*; or was it their only object to make the English edition different from the American?



that he wrote before the text of the Bible was settled, and at a time when great results were expected from the collations of Kennicott ; that he had the ardent and adventurous spirit of a new discoverer ; and that critics at that period had not learned so well as they have since, that patient application is a much surer, though a more toilsome way of coming at truth, than bold conjecture, which costs neither time nor labor.'

We have before spoken of Lowth's general character as a scholar. It is impossible, with the meagre biographical outlines which alone remain to us, to do it adequate justice. Whatever he undertook was so performed, that it left very little to be accomplished in the same routine of study and labor. He gave to England the first regular grammar of his native tongue. We are somewhat surprised that Murray's grammar, which is but an enlarged copy of Lowth's, should so generally have occupied its place ; and that too with little acknowledgement to the individual, from whom were derived its plan and most of its materials. Although Lowth's treatise was written so early as the year 1758, yet we doubt whether there is at the present day a single work of equal excellence in the same compass.

The private character of Lowth was not less adorned with all the virtues of domestic life, than his public one with the urbanity, the elegance and the elevated dignity of learning and religion. Even his insolent antagonist, Warburton, could admire his amiable manners and the winning modesty of his whole deportment. In one of his letters to Lowth, he observes, 'It would answer no end to tell you what I thought of the author of *Hebrew Poetry* before I saw him. But this I may say, that I was never more surprised when I did see him, than to find him of so amiable and gentle manners, of so modest, sensible and disengaged a deportment. It would not have displeased me to find myself ill used by pedants and bigots ; but it grieved me to think I had any thing to explain with such a man.' His disposition was every where affectionate and kind ; his love to his offspring uncommonly tender. The ties in his family circle were often broken, yet under his severest afflictions he is said to have exhibited the firmness of a christian resignation. His piety was of that kind, which the English church, when her services are not profaned by hypocritical ambition, nor her offices made silken cushions for the repose of a lukewarm indifference, is adapted to foster—it was

rational and fervid. Whatever situations he was called to fill, and they were various, he was always scrupulously attentive to the performance of his duties. It was, however, in his elevated station as a bishop, that his admirable qualities shone most conspicuously. The rare union of deep learning, true piety, gentleness of manners, modesty and dignity of feeling, fitted him to adorn his office in a pre-eminent degree. England can scarcely show, in all the annals of her history, a dignitary of the church, whose character exhibited a combination in all respects so noble, so delightful. Mild as he was, he had a manly, energetic and independent mind, properly conscious of its own powers, and decided in its convictions. Open and free in his inquiries, he was fearless in the declaration of all his opinions. An advocate himself for the most unrestrained investigation in matters of religion, he was willing to extend to others the same privileges he demanded as his own birth-right. He had that liberality and courtesy of mind, which is founded in real benevolence of feeling. We love to turn from the intolerant arrogance of Warburton and Horsley, to the freedom, the charity, the condescension and the genuine kindness of a man, who demanded no deference to his own opinions merely because they were his, and who could recognise and venerate an amiable heart and a virtuous life, though they existed in combination with what he thought erroneous opinions. He had no bigotry; his firmness was conciliating as well as steadfast; mild, indeed, and devoid of bitterness, but much more likely to remain unshaken, than that of more turbulent, haughty, domineering prelates.

Wherever he appeared, he diffused around him a benign influence. In his countenance, manners and whole deportment, benevolence was united with dignity; a union which made his inferiors unembarrassed in his presence, his equals familiar and affectionate, his superiors respectful and courteous. His own politeness, though it had all the elegance of courts, was not born there; it was that of kindly feelings, chastened and not destroyed in the collision and intercourse of society—the politeness of the heart, to which the refinement of places could add nothing. He was altogether a being of a superior order. But his intellectual and moral nature had been finely disciplined and developed; and neither apparently at the expense of the other. His rich and varied attainments as a classical scholar gave a remarkable elegance to his mind, and his soul

seemed to have imbibed in no small degree the spirit of simplicity and grandeur belonging to the sacred literature, which he had so deeply studied. He was, indeed, as the venerable Eichhorn styled him in a heartfelt tribute to his memory, a noble Briton ;—noble, for the extent, and depth, and modesty of his learning, for his dignified independence and liberality of mind, for his gentleness of mien and generosity of feeling, and above all, for the value which he set upon the noblest prerogatives of his being.

His name is one of those, to which England owes much of her literary glory, without acknowledging from whence it is derived. Volumes upon volumes have been lavished upon memoirs of ordinary men, and reviews upon reviews have been dedicated to the memory of far inferior characters, while that of Lowth, than whom scarce another Englishman could be mentioned, whose name is more venerated on the European continent, has been left to the meagre skeletons of Cyclopedian biographies, or to such a clumsy notice of his life and writings, as the reader may chance to stumble upon in the British Nepos. It is surprising how little the English public, even at this day, when antiquarian and literary curiosity are pushed beyond the limits of useful inquiry in almost every field that can be imagined, are acquainted with the character and labors of this admirable man. Do we err in supposing that the church of England would hardly yet have discovered the merit of his Lectures on the Hebrew Poetry had not Michaelis received their appearance with such enthusiastic congratulation, and excited his own countrymen to follow on in the path, which he had opened? As it is, the church has profited by his labors, without even paying to his character the tribute of a merited applause. He sleeps by the side of Selden, another pillar of English greatness, in the same comparative obscurity and neglect. He is not the only venerable patriarch of English literature, upon whose ashes they that are younger than he have arisen to unmerited distinction. Yet it is not even now too late, and we could wish that some true admirer of his character and genius might leave for a while the task of settling the text of Aristophanes, or writing commentaries on Apollonius Rhodius, or making a book for the Cabinet Cyclopedia, and set himself in earnest to collect the memorials that are fast passing away, and exhibit some tolerable record of his life, some worthy delineation of his merits and his labors.



ART. V.—*Lawrie Todd ; or, The Settlers in the Woods.* By JOHN GALT, Esq. New York. 1830.

This book is replete with profound practical wisdom, conveyed in a vigorous and massy style. This is a high character to give of the story of a nail-maker, who is finally elevated to the rank of a shop-keeper, and land-jobber in the interior of New York ; but we think it is, nevertheless, a very just one, and we are the more pleased with the author, for the reason that he can, without the help of moving incidents by sea or land, or the pageantry of fashion or rank, but by merely following an every-day character through a series of every-day fortunes, with only here and there a slight stretch of probability, invest with a moral and philosophical dignity, and a poetical interest, the passions, motives, interests and endeavors, that from day to day move and trouble the veritable world. Fictions so written are more true than history, and no less instructive than experience, and it is only to the least reflecting minds, that they are dry and barren ; to such minds, as to those of children and uncivilised men, purple robes, burnished armor, gorgeous pageants, and showers of diamonds and pearls, are subjects of a more lively admiration. These toys excite the imaginations of the frivolous, who do not perceive that the lily, in its array of beauty, surpasses the glory of Solomon. Rank, power, and wealth, like dress, are something exterior and incidental to the man, whose mind, manners, sentiments, passions, and moral qualities, are, after all, the true and worthy objects of a generous interest ; and whether they are exhibited in a high or humble station, are still a part of that human nature, which concentrates all that is permanently interesting in this world. In a story, therefore, whether it be history or fiction, whether the purpose be entertainment or instruction, the material question is, not how fashionable, rich, or powerful are the actors, or how much space they fill in the world, but what are their qualities and characteristics.

Mr. Galt has a way of conducting his plot, peculiar to himself, or rather he has no plot at all, for there is, in his stories, no concentration of action and incident to any particular consummation, at which the interest terminates. The reader is not borne along and absorbed by a continually increasing curiosity and anxiety, that put him upon the rack,

until he is reprieved by the happy turn of things, or knows the worst, and acquiesces in the decrees of destiny, as recorded by his author, with a becoming resignation. Mr. Galt's scenes, though more or less blended, are by no means woven together in one series of action, with a uniform tendency, disguised until the *denouement* explains all; but they are detached, in a great degree, in interest, and in the main are not linked as causes and consequences. The principal connexion in the incidents consists in their happening to the same persons. We do not mention this as a material defect in his stories, nor as indicating any want of talent in the author; for of all the causes of interest in a tale, the mere curiosity to know the end is the most ordinary and superficial, and it is quite a subordinate achievement of genius to accumulate obstacles, and carry the actors further and further from the haven, until by a lucky change of the wind, they make the port under full sail. It is one of the surest indications of talent, to be able to keep up the reader's excitement, without distressing him with too great an anxiety about the catastrophe. A journey is more interesting when the way is beguiled by successive incidents, which commence and end independently of each other, than when all the hopes and fears, pleasures and pains, relate to the accommodations of the inn at which it terminates. Mr. Galt's stories are remarkable for the thickly-crowding incidents, the prominent and striking characteristics of the personages, the reality of the sentiments, and the force, and occasionally pathos of the style. His reflections are usually just, and his thoughts often original, with an uninterrupted facility and buoyancy in the progress of the story, but not without occasional freedom in the language and incidents, a little alarming to fastidious readers; for the author seems to be by no means inclined to balk his narrative, or to suppress a good thing from excessive scrupulousness.

Mr. Galt professes to write this story for instruction, no less than amusement; it being, as he says, a shadowy and subdued outline of the history and localities of Rochester, in New-York; and he remarks in his introduction, that 'a description, which may be considered authentic, of the rise and progress of a successful American settlement, cannot but be useful to the emigrant, who is driven to seek a home in the unknown wilderness of the woods.' The emigrant, in this case, is the son of a poor, but industrious Scotchman, of Bon-

nytown, 'who, with hard labor, constancy, and the fear of God, followed the trade of a nail-maker; a presbyterian of the old leaven of the covenant.' Lawrie, his son, began existence with very slender promise of its blessings, being long sickly and crippled, from neglect in his infancy. By virtue, principally, of sunshine and exercise, for his diet seems to have been very scanty, he at length became a brisk nail-maker, and a sturdy, though *wee* debater in the republican society of some dozen and a half boys, who proposed to introduce the French revolution into Scotland. Lawrie professes to have been an eloquent spouter, with the prospect of becoming a finished orator in this patriotic body, when the officers of justice put an end to all their bright visions of parliamentary reform, and the restoration of the unalienable rights of man, by marching them off to Edinburgh. Our young reformer's patriotic exultation was not at all heightened by the exclamation of an old woman, as he was, with the rest, paraded along the streets of the city, 'Losh preserve's! But the king maun be a coward, if he's frightened for sic a modiwart,' (meadow-mole.) He had the good fortune to escape from this peril of life and limb, after being complimented by the king's advocate with the appellation of 'ragged scarecrow,' and he survived to serve his country again in the manufacture of wrought nails.

Having arrived at the momentous period of life, which transforms boys into men, he and his brother took passage for America in the good ship *Providence*, then lying at the port of Leith, having for outfits a chest of *things*, their father's blessing, and twenty shillings apiece. Thus, excepting Scotland, which they left behind, they had the world all before them, where to choose their place, not of rest, but of labor in nail-making; but, 'like Adam and Eve, when driven out of the garden of Eden, they had Providence for their guide, as that solemn-sounding gong of the Gospel, John Milton, bears testimony.' On coming to anchor in the harbor of New York, on the 16th of June, A. D. 1794, about ten o'clock in the morning, with three shillings and sixpence of their patrimonial outfit remaining, they began to collect information respecting the business of nail-making in the new world; but their hearts were 'struck with a snow-ball,' when they were told 'that a machine for cutting nails out of iron hoops had been recently set up, by which the Americans were of opinion they would soon have the supplying of the whole world with nails.' Their spirits



were cheered up, however, by proposals for employment, one of which they accepted, and they soon found themselves hammering their way in the world with great activity.

Our young hero, and his *Fidus Achates*, proceeded very prosperously in their vocation in the nail-making line, until one morning Lawrie met in the street a young lady 'about five feet seven inches' high, with 'a pale face, erect carriage, slow solemn step, in a small black beaver-hat, with two cords on each side to turn up the brim enough to show her ears, and long flaxen hair;' to wit, the future Mrs. Todd; so that what with nail-making a-nights, tending a small grocery by day, and courtship into the bargain, Lawrie had business enough on his hands; two branches of which, however, he proposed to merge in matrimony; namely, the courtship and the retailing, which latter was to be transferred to Miss Rebecca, after her transformation into Mrs. Todd. The ceremony of her baptism is very well described.

'When I beheld her tall, slender, and erect form, with slow and measured steps, move up the middle aisle, dressed in a white robe in maidenly simplicity; when I saw her stand serene in the midst of a vast congregation, and give the regular tokens of assent to the vows which Dr. Mason, in a solemn and affecting voice, laid upon her, while all the congregation seemed hushed in the stillness of death; when I saw her untie the black ribbon under her chin that held on her hat, whilst the minister was descending from the pulpit to administer the ordinance; when I saw her hands hanging straight by her sides, one holding her hat, and the other a white handkerchief; when I saw her turn up her face to Heaven, and calmly close her eyes as the minister prepared to pour the consecrated symbol of grace; and when I saw her wipe the pearly drops, I thought that her gentle countenance shone as with a glorious transfiguration, and I swore in my heart, that with the help of the Lord, nothing but death should part us.' p. 33.

The author gives his principal character very deep religious impressions; he is devoutly persuaded that all his fortune, particularly his adversities, are especially ordered for his good; and much interest and beauty are given to this part of the story, by tinging the clouds of misfortune with the rays of religion. The prevalence of the yellow fever, and the death of Rebecca after the birth of a son, give occasion for the display of his deep moral sentiments and strong religious faith,

which are maintained through the book, and at the same time blended with sufficient temporal sagacity. The author shows an intimate observation of human nature, in exemplifying in his principal character, how strong and sincere religious opinions and sentiments may be unconsciously modified and accommodated to the circumstances and interests of the person, by whom they are entertained.

A personage is next introduced, upon whom the author seems to have bestowed some pains, namely, Mr. Zerobabel L. Hoskins, who was 'in his way, something of a Yankee oddity.' The general conception of this character is a little out of the common course, but he is ably sustained through the story, and though a caricature, is not so unlike any man that ever lived in this world, as to be entirely a figment of the author's brain. Having accidentally formed an acquaintance with our hero, Zerobabel politely proposes to supply the place of the deceased Rebecca by giving him in second nuptials his niece Judith; and after some amicable negotiations, the arrangement takes effect. We are afterwards carried through the adventures of the grocery business, the seed business, and the Jersey farm, to the catastrophe of Lawrie's concerns in New-York during the embargo and non-intercourse, when he is entirely ruined, and obliged to surrender at discretion to his creditors. His uncle Hoskins generously comes to his aid at this crisis, and supplies him with the means of beginning the world again.

He now proceeds to the new settlements, to which his attention was called by Mrs. Micklethrift, on board a North River steam-boat, who gave him much good advice in regard to emigration, particularly recommending to emigrants not to encumber themselves with chests of drawers and other cumbrous articles of furniture in their migration into the wilderness. Accordingly we soon find Lawrie lodged in the forest, fifteen miles from the nearest settlement, and, as we are to suppose from the preface, somewhere about the region of the present town of Rochester. This new settlement, being the nearest approach yet made by civilization towards their proposed 'location,' might, it seems to us, be the subject of a more graphic and distinctly colored description, than that given by the author.

'Of all the sights in this world the most likely to daunt a stout heart, and to infect a resolute spirit with despondency, that of a newly-chopped tract of the forest certainly bears away the bell. Hundreds on hundreds of vast and ponderous trees covering the

ground for acres, like the mighty slain in a field of battle, all to be removed, yea, obliterated, before the solitary settler can raise a meal of potatoes, seemingly offer the most hopeless task which the industry of man can struggle with. My heart withered as I contemplated the scene, and my two little boys came close to me, and inquired with the low accents of anxiety and dread, if the moving of these enormous things was to be our work. Fortunately, before I had time to answer their question, a sudden turn of the road brought us in sight of the village, where the settlers in all directions were busy logging and burning. The liveliness of this spectacle, the blazing of the timber, and the rapid destruction of the trees, rendered, indeed, any answer unnecessary. They beheld at once, that so far from the work being hopeless, the ground was laid open for tillage even, as it were, while we were looking at it, and we entered Babelmandel reassured in all our hopes.

‘The village as yet consisted but of shanties and log-houses. The former is a hut or wigwam, made of bark laid upon the skeleton of a rude roof, and is open commonly on the one side, nigh to which, during the night, the inmates who sleep within, raise a great fire to keep themselves warm; some say to protect them from wolves and other wild beasts. Notwithstanding the rough appearance of the shanty, it yet affords a shelter with which weary axemen are well content. I never, however, had a right solid sound sleep in one, for, as they are open, I had a constant fear of snakes crawling in upon me; nor was it imaginary, for that very night, the first we passed in Babelmandel, the boys and I being obliged to make our bed on hemlock boughs in a shanty, had not well composed ourselves to rest, when Charley, the youngest, felt something like a man’s finger wimbling in under his neck, and starting up, beheld a large garter snake twisting and twining where he had made his pillow. We were pacified in our alarm, by an assurance that it was of a harmless kind, but truly it will be a long time before I am satisfied that any serpent can ever be a commendable bed-fellow.’ pp. 82, 83.

Our emigrant, having penetrated into the woods with his two boys, erected a cabin on a rising ground near the margin of a river, and within a short distance from a shanty, occupied by a number of backwoodsmen, who had embarked in the same enterprise. Having thus got a substitute for a house over his head, and kindled a fire, Lawrie began to have a foretaste of a very comfortable night; but

‘About three o’clock the skies were dreadfully darkened and overcast. I had never seen such darkness while the sun was



above the horizon, and still the rain continued to descend in cataracts, but at fits and intervals. No man who had not seen the like, would credit the description.

‘ Suddenly, a sharp flash of lightning, followed by an instantaneous thunder-peal, lightened up all the forest ; and almost in the same moment the rain came lavishing along as if the windows of heaven were opened ; anon, another flash and a louder peal burst upon us, as if the whole forest was rending over and around us.

‘ I drew my helpless and poor trembling little boys under the skirts of my great coat.

‘ Then there was another frantic flash, and the roar of the thunder was augmented by the riven trees, that fell cloven on all sides in a whirlwind of splinters. But though the lightning was more terrible than scimitars, and the thunder roared as if the vaults of heaven were shaken to pieces and tumbling in, the irresistible rain was still more appalling than either. I have said it was as if the windows of heaven were opened. About sunset, the ground floods were as if the fountains of the great deep were breaking up.

‘ I pressed my shivering children to my bosom, but I could not speak. At the common shanty, where there had been for some time an affectation of mirth and ribaldry, there was now silence ; at last, as if with one accord, all the inhabitants rushed from below their miserable shed, tore it into pieces, and ran with the fragments to a higher ground, crying wildly, “ The river is rising ! ”

‘ I had seen it swelling for some time, but our shanty stood so far above the stream, that I had no fear it would reach us. Scarcely, however, had the axemen escaped from theirs, and planted themselves on the crown of the rising ground nearer to us, where they were hastily constructing another shed, when a tremendous crash and roar was heard at some distance in the woods, higher up the stream. It was so awful, I had almost said so omnipotent, in the sound, that I started on my feet, and shook my treasures from me. For a moment the Niagara of the river seemed almost to pause—it was but for a moment, for instantly after, the noise of the rending of mighty trees, the crashing and the tearing of the uprooted forest, rose around. The waters of the river, troubled and raging, came hurling with the wreck of the woods, sweeping with inconceivable fury every thing that stood within its scope—a lake had burst its banks.

‘ The sudden rise of the water, soon, however, subsided ; I saw it ebbing fast, and comforted my terrified boys. The rain also began to abate. Instead of those dreadful sheets of waves which fell upon us, as if some vast ocean behind the forest was

heaving over its spray, a thick, continued small rain came on, and about an hour after sunset, streaks and breaks in the clouds gave some token that the worst was over—it was not, however, so; for about the same time a stream appeared in the hollow between the rising ground to which the axemen had retired, and the little knoll on which our shanty stood; at the same time the waters in the river began to swell again. There was on this occasion no abrupt and bursting noise, but the night was fast closing upon us, and a hoarse muttering and angry sound of many waters grew louder and louder on all sides.

‘The darkness, and the increasing rage of the river, which there was just twilight enough to show was rising above the brim of the bank, smote me with inexpressible terror. I snatched my children by the hand, and rushed forward to join the axemen, but the torrent between us rolled so violently, that to pass was impossible, and the waters still continued to rise.

‘I called aloud to the axemen for assistance; and when they heard my desperate cries, they came out of the shed, some with burning brands, and others with their axes glittering in the flames; but they could render no help: at last, one man, a fearless back-woodsman, happened to observe by the fire-light a tree on the bank of the torrent, which it in some degree overhung, and he called for others to join him in making a bridge. In the course of a few minutes the tree was laid across the stream, and we scrambled over, just as the river extinguished our fire, and swept our shanty away.

‘This rescue was in itself so wonderful, and the scene had been so terrible, that it was some time after we were safe, before I could rouse myself to believe I was not in the fangs of a nightmare. My poor boys clung to me as if still not assured of their security, and I wept upon their necks in the ecstasy of an unspeakable passion of anguish and joy.’ pp. 86, 87.

The truth of this description is but too well attested by the details given in the public prints of the recent disasters of a similar kind in Vermont. Having escaped this danger by flood, and made preparations for the coming winter, the settlers of Babelmandel—for this was the name of the new settlement—were in danger of a blight of all their fair hopes, by the no less destructive element of fire. Lawrie Todd had just constructed his house, and brought his wife and children to participate in the privations and hardships and hopes of the back-woods. While they were in the act of celebrating this event in their domestic devotions,

‘A sharp, shrill shriek, wild and piercing, came from the village; imputing it to some frolic among the younger settlers, I heeded it not; it disturbed not the earnestness of our devotion. In less than a minute after, a similar cry was repeated, and caused me to pause in prayer. This was followed by a terrible hissing, hurrying, and crackling noise, something like the rushing sound of many sky-rockets, but immeasurably greater, followed by a hundred vehement voices, screaming “fire!” Starting from my kneeling, I ran to the door in alarm, scarce conceiving what the cry of fire in the wilderness could portend.

‘The woods were on fire! The scene of horror was at some distance behind the house, but the remorseless element was rising and wreathing in smoke and flame on all sides. The progress was as a furious whirlwind; to arrest, or to extinguish, seemed equally impossible.

‘The unfortunate settlers were flying in all directions with their moveables; but the fallen leaves, kindled by the fiery flakes that fell showering around, intercepted their flight, and obliged many to abandon their burdens; for, as with the Egyptian hail, fire ran along the ground: sometimes the flames ascended with a spiral sweep at once from the roots to the topmost boughs of the loftiest trees; at others they burst out in the highest branches at a distance from the general burning, as if some invisible incendiary was propagating the destruction. Aged trunks of hollow elms and oaks took fire within, and blazed out like fountains of flame; and all around the sound, like the rage of a hurricane and the roaring of seas upon a shallow shore, grew louder and louder.’ pp. 94, 95.

The settlement, however, in consequence of a change of wind, escaped the danger, and the settlers were benefited, instead of being injured, by the conflagration, which assisted them to clear away the forest, and bring their lands into cultivation; though Lawrie was less fortunate than the others, in one respect, for his new *framed* house caught fire and was consumed. But he plucked up courage, and, with the help of his neighbors, built another, in which he was enabled, after all, to keep the winter at bay.

The next disaster was a domestic affliction, which he learned on returning home from the neighboring settlement of Olympus.

‘As we approached the shanty, I discovered a light, which did not surprise, but it grieved me, for I augured from it that the child’s sufferings had not been mitigated. As we, however,



drew near, I saw it was a short distance from the shanty, under a large elm, which then stood near the spot where the rivulet falls into the river, and that there was no one in the shanty but Robin, with his arm under his head, asleep; to which, poor lad, he had, no doubt, been soundly invited by his day's hard labor.

'The candle was burning in a niche, scooped for the purpose, in the trunk of the elm, and between us and it I discerned a small rude shed, covered with bark, forming a canopy over a little bed covered with a white towel. My child was dead, and her mother, with the other two sorrowful girls, were sitting in the shadow of the tree, watching the corpse, and wearying for my return.

'As I came close up to them, two men, armed with guns, came from behind the tree. Amidab Peters was one, and a settler, whom I did not know, the other. After speaking a few words of condolence to my wife, I expressed my surprise to Amidab at seeing him there at that time of night and armed, thanking both him and his companion for their attention, and saying I would watch the remainder of the night myself.

'“But one,” said Amidab, “is not sufficient; it will require two, for we have already been twice scared.”

'“Scared!” cried I, “by what? who have we to fear?”

'“The wolves,” replied the stranger, “they scent the dead afar off. We had not been here more than ten minutes, when one looked at us from the other side of the rivulet; we saw him plainly in the moonshine, and scarcely had we frightened him off, when we heard another howling from the opposite bank of the river.”’ pp. 98, 99.

We pass over the installation of the schoolmaster, Herbert (a well-imagined and well-sustained character), Lawrie's being lost in the woods, and other incidents in the progress of the village, and hasten forward to meet our old friend, Hoskins; who is by this time on a visit at Babelmandel for the winter, during which a bear also makes a visit to his new neighbors, and is very near making an end of Hoskins, and ruining the whole plot of the story; but, as it happens, the story is the better for the adventure, and Hoskins, though a little the worse for too hearty an embrace of the new visitor, yet, by the help of his good fortune and Lawrie Todd, armed with an axe, gets off without any mortal hurt, and claims the bear's skin as his trophy.

An arrangement is now made between the uncle and nephew for opening a shop in common, and affairs at Babelmandel begin to wear a promising aspect. Those of the story

are no less prosperous, for it gains an accession of two new characters, in Mr. Baillie Waft, the perpetual tormentor, in a small way, of Mr. Todd, to the end of the chapter, and Mr. Bell, the minister, a powerful preacher, and, at the same time, a gloomy man, of fierce passions, which finally degenerate into a perverse and wicked insanity. Each of them is out of the common course, original and striking, and they are both in general very well managed, and contribute materially to the interest of the story ; to which we must refer our readers for a more particular acquaintance with them, as we have only room to notice in detail the adventures of the leading personage.

The affairs of the shop being put in train, the stirring, adventurous old uncle began to range about the forest day after day. 'Can the old gentleman be looking for a gold mine?' said Mr. Todd to himself. At length a pleasure party of the men, women, and children down the river is projected, and a canoe is shaped and hollowed from the trunk of a large tree for the purpose. But the excursion, as often happens in similar cases, proved any thing but a party of *pleasure* to Lawrie, who was haunted during the whole day with the portentous import of a dream of Baillie Waft, of which he knew nothing, excepting that the Baillie had had a dream. 'I have had a dream,' said the Baillie, as the canoe pushed off from the bank, to which Lawrie gave little heed, but the canoe no sooner began to descend the current, and the delights of the excursion along the winding and gloomily shaded channel to commence, than 'I have had a dream,' echoed to his sensorium. What could it be? Something ominous certainly ; and he had half a mind to paddle back his bark to unfold the mystery, and learn with what dire fates it was freighted ; but the current had by this time borne him out of sight and hearing of the ominous prophet, and he was now too far drawn into the vortex of his destiny to recover himself. He must push forward and learn the dreadful secret by experience, with '*I have had a dream,*' ringing in his ears, during the melancholy intervals of his party of pleasure.

And the Baillie's dream was to some purpose, for they had scarcely proceeded thirty miles in their swift career of delight, under the 'boundless contiguity of shade,' when the steep rocky banks on either side began to pass by them, up-stream, with a quiet and quick rapidity, and the canoe seemed to be seeking the goal of its course by the irresistible impulse of

some mysterious instinct. They had glided a short time with this facile celerity, when the deep-rolling thunder of the cataract below interpreted the Baillie's dream, and revealed to them their fate. They could not resist the current, and by veering towards either side, they would only reach a steep impracticable bank. There is, however, a ray of hope, for Lawrie has, at this crisis, but just got past the middle of the first volume; they might else have gone over the falls. The destiny of the story predominated over the boding of Baillie Waft's dream, in this way: the stream, which seemed to be made for their destruction, had been long undermining a tree on the nearer bank, at some distance below, which, very opportunely for them, just then gently swayed over into the current, still hanging by the roots, on which they had hardly escaped to *terra firma*, when both the tree and the canoe were whirled away in the swift destruction, which had been all but prepared for themselves.

In the course of this adventurous expedition they discover an admirable situation for a new town and determine to found a settlement upon it. Their plans are, however, suspended for a short time by the sickness and decease of Lawrie's wife, which gives occasion to one of the best wrought scenes in the book.

'The fever continued to rise, and on the morning of the fourth day after the departure of Charles and Mrs. Hoskins, Dr. Phials, the medical man, warned me to look for the worst. Although I had watched the progress of the calamity with an apprehensive heart and an eager eye, I was yet greatly shocked at hearing this, and spoke to her uncle about getting the family brought to see her; but he would not hear of it, because of its uselessness, and the expense. He was a man that had more consideration for the common sense of matters and things, than for delicate sensibilities. But for all that he had a sterling heart, and did every thing in his power to lighten my anxiety.

'“I ain't,” said he, “slick at the gruelling of sick folks, but I can ride and fetch doctor's stuffs,” as he really did; for, one morning, he borrowed a horse from Mr. Hopper, the miller, and rode seventeen miles for a supply of Jesuits' bark, which could not be obtained nearer: and he waited on, with great patience, to see the upshot of the fever, saying but little to me of his projects while the life remained.

'At last, the signals of dissolution began to increase, and hope was banished; but I will not ask the courteous reader to partake



of my distress, though an inward and parental sorrow it was, causing me to grieve more on account of the helplessness in which my two young daughters were to be left motherless, than for the loss I was myself to experience. It was not like the anguish that pierced my heart with barbed shafts, when the beautiful spirit of the beloved Rebecca was wafted away into the regions of light and love; but it was a black and heavy sense of a calamity, admonishing me to summon up my fortitude, and to bow the head of resignation to the will of Him that giveth and taketh away.

'The time of departure was visibly come. It was about two hours after sunset. The patient wrestled strongly against being carried so suddenly away, for she knew her condition, and often in her struggles cried piteously for her children, stretching out her arms as if she saw them standing by. Hers, indeed, was a parent's heart; and the landlady, being of the Methodist line, was disturbed that she should seem to think more of her forlorn daughters, than of the glories of the paradise on which she herself was about to enter—but Mrs. Petrekins had never been a mother.

'Sometimes the victorious adversary of life paused, as if wearied with the contest, and prostrate nature on those occasions seemed to rally, but the intervals of respite grew shorter and shorter. The helps were no longer administered, for they could not mitigate her sufferings. We stood round the bed watching and silent, as feebleness and feebleness the flashes of the burnt-out candle were sinking in the socket.

'With the last, she turned to the old man, saying, "Be kind to my babies," and drawing a long deep sigh, lay still forever.

'During all this time Mr. Hoskins stood on the side of the bed opposite to me, looking calmly on; his countenance was unmoved; and once or twice, when I chanced to turn my eyes toward him, he appeared so cool and phlegmatical, that I felt a pang in my heart, to think her nearest kinsman, on such an occasion, should be so heartless.

'All being over, Mrs. Petrekins, the landlady, with another woman whom I had procured to assist, reminded me that we ought to leave the room to them, and I accordingly moved to retire; but the old man, not having heard them, remained still looking steadily, but with the same seeming indifference, upon the body.

' "Sir," said Mrs. Petrekins aloud, "it is necessary that for a time we should have the room cleared," and she went round and touched him on the arm.

'It was like electricity; it roused him from his stupor with a shudder, and caused him to step two paces backward; in the

same moment he turned his eye wildly on me, and burst into a violent flood of tears.

‘The sight of that wooden old man, as I had often spoken of him in jocularly, weeping like a woman, and fondling over the face of the corpse with his hand, as if he had been an innocent child gently trying to awaken its sleeping nurse, surprised me with inexpressible grief. Till that time I had been enabled to preserve my self-possession, and to witness the progress of the dispensation with resolute tranquillity; but such tenderness so suddenly discovered in that dry bosom, overwhelmed my fortitude, and forced me also to weep. The women, with the wonted sympathy of their sex, were no less affected. It was some time, and not without remonstrance and entreaty, that they at last succeeded in leading the sorrowful old man away.’ pp. 136—138.

Lawrie and Hoskins then proceed to their ‘spec’ of establishing a new town at the falls, which succeeds wonderfully, so that before the conclusion they ‘have a numerous village of some two or three thousand inhabitants, two religious congregations, a bank, and two newspapers.’ The new town of Judville thus justifies the pompous ceremonial of its foundation, which was celebrated by the intoxication of Baillie Waft and the firing of sundry wooden cannon, made by Mr. Hoskins expressly for that occasion. We must, however, pass over its history in silence, and omit to notice many good scenes between Lawrie Todd, Hoskins and Baillie Waft, and others, in which Herbert, and the minister, Mr. Bell, bear a part.

One trait in Bell’s character illustrates the penetrating sagacity and just observation of the author. He is made to be savagely austere towards the vices and faults of other persons; a disposition which is too apt to pass with the world as an indication of purity of character, but which is more justly accounted for in this instance from the circumstance that he had himself been guilty of a youthful indiscretion, and still harbored in his bosom the fiercest and blackest passions, which he in vain endeavored to assuage and control. We would not intimate, that persons of sincere rectitude of purpose, and a virtuous and benevolent nature, regard the vices and moral delinquencies of others with complacency or indifference; they are on the contrary kindly solicitous to reclaim wanderers by earnest persuasion unmingled with hate or bigotry, and even to punish where humanity to the community dictates a severe justice upon the offender. But a busy, meddling, per-

secuting intolerance, or a fierce, gloomy indignation against every seeming deviation from good laws and exemplary manners, are unequivocal indications of latent, unsubdued depravity of nature.

A contrast is made in this respect between Herbert, who is really of a good disposition, tempered with discretion, and Bell, who is a gloomy Protestant inquisitor, of wicked austerity. Todd had received a letter from New York, giving him an account of some indiscretion of his son, and his concern in an affair no less serious than a duel. Speaking of Bell, the minister, he says,

‘He was, indeed, a man who looked upon young follies with an austere aspect, so much had he suffered by his own in the outset of life; and I had by this time discovered, that under a saintly equanimity of manner, he had to manage vehement passions, which were chained, but not subdued. The natural man was yet strong within him; even in the pulpit, when he prayed to be protected from temptation, there was in his petition a something of energy and dread that thrilled deep among the awfullest sympathies of his hearer’s hearts.

‘It was some time before I could guess at the cause of this prophetic contention, for such it seemed to me; but when I came to know his wife better, which was not until I had moved to Judiville, there could be no doubt that his hearth was an altar of continual self-sacrifice, and that he had patched up a peace with decorum by his marriage, at the expense of his happiness, and the dignity of his mind. All this made him, as it were, inaccessible to the common matters of worldly care; he was an oracle only to be consulted at solemn times, and in perilous emergencies; so that I would have been just as well pleased could I have conferred with Mr. Herbert by himself, concerning the contents of Mr. Ferret’s letter.

‘Mr. Herbert came at the bidding, and Charles soon after returned and took a stool in a dark corner of the room unobserved by me, otherwise I would not have permitted him to remain; for it is not fit that the young hear what the old think of youthful errors.

‘After some light generalities, I handed the letter to Mr. Herbert, and requested him to tell me what he would advise me to do. When he had studiously perused it, he gave it to the Minister, at which I was a little disconcerted, not wishing that he should become exactly a party to the consultation, though he was accidentally present.

‘Mr. Herbert said nothing while Mr. Bell was reading; but I



was startled when the reverend gentleman, having finished the perusal, laid down the letter on the table, and without making any remark, left the room.

“He takes this matter too seriously,” said Mr. Herbert.

“I wish he had not been here,” was my answer: “but since it has so happened, I will call him back.” Accordingly, I went to the door and brought him in again. Mr. Herbert was the first who broke silence.

“It is not to be disguised,” said he, “that the poor lad has fallen into some irregularities, but it is equally clear he has committed no very heinous offence.”

“Against the world,” interrupted Mr. Bell, sternly; “but what has he done against himself?”

“I trust nothing that requires any particular animadversion,” replied Mr. Herbert, calmly.

“He that spareth the rod, hateth the child,” interposed the Minister, in a still more emphatic strain; and turning to me, added, “Let him be brought home immediately, nor let him enter the world again, till he is better able to take care of himself.”

“I can see nothing in the statement of Mr. Ferret,” said Mr. Herbert, evidently surprised at the Minister’s warmth, “to justify so decided a step; we cannot put old heads on young shoulders; I think, from what I know of the generosity of the boy’s disposition, that a kind admonition from his father will have a great effect.”

“Yes, it will,” replied Mr. Bell; “it will have a great effect—it will be his ruin.”

“I had hitherto said nothing, but there was an abrupt harshness in this that really shocked me, and I could not help remarking that Mr. Ferret’s letter gave no reason to fear any thing so disreputable as to call for punishment.

“No,” rejoined Mr. Herbert; “and if you punish without guilt, or if you punish beyond the penalty due for the offence, you supply a motive, a vindictive motive, to perseverance in error.”

“This sentiment, dictated by humane feelings and good sense, Mr. Bell condemned in strong terms; and the drift of his observations was to the effect, that the youth himself would one day turn upon me, and cause me to rue beneath his reproaches the fatal indulgence of his first fault. He then launched into a vehement discourse on the delusive light in which the first fault is often viewed, and worked himself into such zeal, that I sat amazed: while Mr. Herbert, evidently no less surprised, interposed, and began to remonstrate against the cruelty of unrelenting justice.” pp. 181—183.

With this extract we close our brief notice of this entertaining little work, and beg leave to recommend it to our readers as a lively and correct description of the details of the process by which the 'woods are bowed beneath the sturdy stroke' of the adventurous emigrant, and the reign of civilisation extended over the vast solitudes of the unexplored wilderness.

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ART. VI.—*Speeches on the Indian Bill; viz.—Of Messrs. Frelinghuysen, Sprague, and Robbins, in the Senate of the United States; and of Messrs. Storrs, Huntington, Bates, Everett, and others, in the House of Representatives, in the months of April and May, 1830.* Boston.

Perhaps no question, since the organization of the general government of the United States, has attracted more attention among the thinking members of our community, than the present controversy respecting Indian rights. Other questions have borne a more immediate relation to the present interests of the people. Embargo, war, commerce, the triumph of one political party and the defeat of another, are topics in which the mass of the inhabitants of a free country feel a deep interest, and on which they express their feelings strongly and simultaneously. It cannot be expected, that the condition of a few tribes of secluded Indians should at once claim and secure the sympathies of millions, who are occupied, if not engrossed, by their own pursuits, and who spend little time in contemplating the sufferings of men whom they never saw, or in attempting to redress grievances, which are totally different from any that are likely to be imposed upon themselves. Yet, with all the disadvantages of their situation, the Indians have found many thousands among the most intelligent, virtuous, and honorable of the American people, who would deal justly and faithfully by them, and who would make personal sacrifices of time, labor, and money, to protect and defend their rights. Indeed, so far as the people of the United States understand the subject, and are free from the influence of violent political partialities, their feelings are almost universally favorable to the claims of the Indians. All profess to wish well to the remnants of tribes still among us, and doubtless the great majority, with the qualification just mentioned, are sincere in their professions.

On the subject of the rights of the American aborigines, there has been much loose reasoning, and some quite as loose morality. It will be found, however, that respectable writers have more frequently been led into error by stating extravagant cases, and raising imaginary difficulties, than by examining the foundation of title to lands, or by looking at facts, as they took place on the settlement of this country.

Much of the writing on the subject has been provoked by vehement and sweeping censures of the conduct and policy, pursued by colonists from Europe. The occasion of these censures, it was supposed, could be removed in no other way, than by making out for Europeans a paramount title, partly on the ground of superior civilisation, and partly because they were commonly in the habit of using land for tillage, which was not generally done by the original inhabitants of America.

It is to be remembered, also, that self-interest has always been able to engage advocates to enlarge, fortify, and defend, the pretensions of the whites; while the Indians have had no logicians to expose the sophistry of those, who would make 'the worse appear the better reason;' nor counsel, learned in the law, to study and plead in their behalf; nor historians to gather up and preserve the evidence of acknowledgments in their favor, or of the wrongs they have suffered. Orators they have had, the power of whose eloquence has a thousand times frustrated the schemes of the greedy speculator and the intriguing agent; but these schemes were always renewed and repeated till they became successful. The eloquence, by which they were resisted, was evanescent; but the motives by which they were prompted, never ceased to operate.

The discussions of the last nine months, especially those upon the floor of Congress, have brought before the public, it may be presumed, all the theories upon the subject of Indian rights, that have ever been promulgated. We are not able to mention a political measure, or a legislative act, that exhibited in Congress more decisive proof of elaborate investigation, than appeared in the debates on the bill to provide for the removal of the Indians. In preparing the present article, we have made free use of the materials supplied by these discussions, whenever they appeared to suit our purpose.

The question that presents itself, at the very threshold of the discussion, is, *What were the relative rights of the North American Indians, and of the early discoverers, to the lands of this*



*continent?* On this question we shall briefly express an opinion. It will be satisfactory to ourselves; though we would by no means enforce it dogmatically upon our readers. When disentangled from all extraneous topics, it is a question on which every honest and intelligent man can easily form an opinion for himself.

We say, then, that the discoverers of America had a right to take possession of such parts of this continent, as they found unoccupied by human beings. This right they derived from the Creator of the world; and it cannot be disputed. But when they found portions, (even if those portions amounted to the whole,) occupied by the original inhabitants, the discoverers had no right to eject the possessors. How is it conceivable, that the mere discovery of a country should give the discoverers a title paramount to the title of natives, whose ancestors had been in possession from time immemorial? The mere statement of the case shows the inherent absurdity of a claim, which has been so often made, that many people seem to think it reasonable.

But, it will be asked, is an Indian to hold possession of a country, merely because he once chased a deer over a tract containing a thousand square miles? Were we disposed to be captious, we should answer this question by asking, whether a ship-master can *take* possession of land by sailing within sight of it? The Indian may as well hold possession in one case, as the ship-master take possession in the other. The fact is, that neither of these acts amounts to a possession.

Let us make this matter a little more practical. We will suppose that an English discovery ship, followed by a little colony, sailed along the coast, from the bay of Fundy to the mouth of Penobscot river; and, finding no inhabitants, landed there and began a settlement. After a few months, an Indian visits the new comers, and tells them that they are occupying his land, to which he can by no means consent. They ask him, by what right he claims the land; where he lives; and what his employments are. He frankly replies, that he claims the land between the Penobscot and the bay of Fundy, because some ten years before he spent a month there in hunting and fishing; that his principal residence is on Connecticut river, where he has a little patch of corn and pumpkins; that he sometimes visits Hudson river and lake Champlain; but that he probably never should have come to the Penobscot

again, unless he had heard of intruders taking possession of his land.

The colonists, if they were kind-hearted and honest men, would hear him patiently, and assure him, that they did not intend to encroach upon any man's land ; that he had not made out a title ; that he neither had possession of the land, nor had he the slightest pretence for desiring it ; that they would not molest him upon Connecticut river, and he must not molest them in their new settlement. If, in such a case, the Indian were to collect his countrymen and make war upon the colony, he would be the aggressor ; and the colonists might as properly defend themselves against him, as against any other assailant.

It ought to be said here, that probably no North American Indian was ever so silly, as to make a formal claim, like the one which has been described. The case was stated, in order to answer the question so triumphantly asked by various writers, whether the chasing of a deer over an immense tract of country gives the Indian a right to exclude civilised men from that tract ? It is plain enough, that a single hunting excursion is not an actual possession, though it is a great deal more than a mere discovery from a ship's deck ; and it would furnish quite as valid an objection to a new settlement by civilised men, as to a new appropriation to purposes of hunting by other Indians.

We do not deny, that there may be cases, where discoverers may be debarred from taking possession of unoccupied lands, on the ground that they might probably be dangerous neighbors. If honest and reasonable fears were entertained on this score, by the original inhabitants in the vicinity, the new comers ought not to complain, if required to give proof, by a just and humane intercourse, of the most upright and honorable intentions. We go upon the assumption, that honest men can always establish a character for honesty ; such a character, as that other men, civilised or uncivilised, will not be afraid to trust them. Certainly the inconvenience is much less, that colonists should be obliged to establish a character for themselves, than that the native inhabitants of a country should be obliged to take every adventurer to their bosom, without stopping to ascertain whether he is a viper or not.

We have supposed a case of unoccupied lands. It is believed, however, that very few such tracts were found by the



early discoverers ; and that these few were of very small dimensions. The American continent was generally, though sparsely, inhabited ; and most of the inhabitants had a permanent residence, within known limits. We will therefore look a little at facts, as they existed on the Atlantic coast, during the seventeenth century. Colonists arrived in rapid succession. The natives were in the actual occupancy of the soil. Their possession was in no sense fictitious, or constructive. There were multitudes of places, which had not been vacant of inhabitants from the times of the remotest tradition. Other places were visited periodically, and regularly, for purposes of hunting. It appears to us, that both these kinds of possession were perfectly good ; and that an attempt to divest the natives of their country, thus in their possession, on any plea of discovery, is not only monstrously unjust, but is an insult to the common sense of mankind.

We shall be asked, whether this continent should be left in a state of perpetual wildness, covered with interminable forests, and unsubdued by the labor of man ? We simply answer, that the plainest rules of morality forbid us to appropriate to ourselves the property of others without their consent. The question about excluding civilisation from a whole continent is a very imposing one. It proceeds upon the assumption of some vast state necessity, some uncontrollable urgency of the case, which could not be resisted without opposing the manifest designs of Providence, and disregarding the comfort of mankind. But this assumption is altogether a mistake. The natives of America, whenever kindly treated for any length of time, were easily induced to receive European settlers as their friends. The question has no practical application to the natives at all. They did not keep perpetual guard on their shores to drive off new settlers. Many of them felt gratified to have white men come and share their country with them. In short, there was little difficulty in obtaining from the natives an honest and peaceable possession of lands, on every part of the coast. The necessity, therefore, which makes so prominent a figure in all discussions of this subject, never existed. Should the question still be pressed, and should we be required to answer what we would advise, in case a new world should now be discovered, the inhabitants of which should pertinaciously refuse to sell their lands, or to admit strangers, we reply, that no code of political morality



should be introduced into the new world, which was not held to be sound and genuine morality in the old.

If, in the sixteenth and seventeenth centuries, the sovereign of a populous country might take possession of a sparsely settled territory belonging to his neighbor, merely because he could put the land to a better use than his neighbor was inclined to do, Europe might have afforded opportunities enough to carry the principle into practice. Large portions of Prussia, Poland, and European Russia were at that time very thinly inhabited. When such a chapter had been fairly inserted in the law of nations, and had been found convenient in its application to such a power as Russia, it would be quite soon enough to force it upon the natives of America. The Christian powers of Europe made what they called the Law of Nations. Why not first apply their own law to themselves? If it may be forcibly demanded of a community, which has much land and few people, to give a part of its land to a populous neighbor, why not make a great international agrarian law, by which Europe should be parcelled out to the different nations, in a compound ratio, having regard to the number of souls, and the relative productiveness of the land?

Even in our own days, there are many places upon the Eastern continent, where land might be claimed by all the arguments, which are set in such formidable array against the possession of the American Indians. Vattel speaks of 'erratic tribes.' How many hundred erratic tribes of Tartars are there? How many of Arabs? The Tartars (at least many of them), pay no attention to agriculture, and are scarcely more civilised than were the associates of Powhatan, or king Philip.

The fact is, that the great title to land, from the days of Noah to the present time, both in respect to communities and individuals, has been a *lawful occupancy*; that is, an appropriation to one's own use of what previously belonged to nobody; or a possession fairly derived from a previous lawful possessor. The formality of deeds, and covenants, and guaranties, has respect to the evidence of title, and not to the substance of it. Over a great part of the world, indeed, the law of the strongest has been the only governing rule of action. But wherever nations, or individuals, have pretended to respect each other's claims, and to act upon principles of moral rectitude, the title

to property has not been made to depend upon the use to which the possessor applies his property. He must, indeed, so use his own as not to injure his neighbor ; but more than this he is not required to do. Nations are not to be asked, whether they gain their subsistence by hunting, pasturage, fishing or agriculture, before it can be determined, whether they have a title to their own country or not. The only question, which an honest man need to put, is, Have you a lawful possession of a country within known boundaries? If this question can be answered in the affirmative, the whole matter of title is forever at rest.

The United States would contend with a very ill grace for the doctrine, that unsettled lands may be seized by those, who need them for the purpose of cultivation. How many millions of the people of France, Germany and Ireland might appropriate to themselves good farms in the States of Indiana, Illinois and Missouri? Why should they not take immediate possession and set up their own forms of government?

It is worse than idle to say, that an uncivilised man has not the same title to property, that a civilised man would have, in the same circumstances. There is not, there never was, a law of nations that explicitly made this distinction. It is admitted, that an Indian has as good a title to his canoe, as an English merchant to his ship. Why not as good a title to his landing-place, his little island, and his wigwam, as an English gentleman to his park and his villa?

When the colonists landed on the American coast, they brought with them charters from the kings of Europe. It may be worth while to spend a few moments in the inquiry, *What were the legitimate uses of these instruments?*

It is very obvious to the attentive reader of history, that the right of discovery was set up by the maritime nations of Europe rather against each other than against the aborigines of America. The master passions of ambition and avarice were excited and inflamed to an astonishing degree ; and all the great discovering powers aimed to grasp as much as possible of the new continent. Spain and Portugal could not engross the whole. England and France would come in for a share. In these circumstances, it became gradually established, that one power should not interfere with the settlements of another ; and boundaries were agreed upon, within which the subjects of the respective powers might, exclusively of all

other Europeans, carry on their commercial enterprises, and make their respective settlements.

Stipulations of this kind were mutually beneficial. They prevented many collisions, and were neither in themselves, nor in their tendency, injurious to the natives. Still, the adoption of such a course was entirely optional with the discovering powers. Any one of these powers, in accordance with the principles already stated, might take possession of any unoccupied land upon the American continent; or might purchase of the natives any land not previously sold by them to Europeans. How far a possession, thus lawfully obtained, should extend in every direction, would be a matter of sound judgment, or of reasonable construction. The Spaniards were not entitled to be the sole visitors of America, merely because Columbus discovered it. The fact that Henry Hudson entered the river, which now bears his name, furnishes no good reason why new settlers from four different nations might not have obtained lawful possession of Long Island, Connecticut, New Jersey, and the west bank of the Delaware. All that an infant colony could rightfully demand of other infant colonies, was, that they should not plant themselves so near, as to cut off those resources, which were necessary to its existence and its comfort. If there had been no conventional arrangement, therefore, between the sovereigns of Europe, the subjects of any one of these powers might have made settlements upon any unoccupied lands, or upon any lands of which possession could be fairly obtained.

A charter granted by a King of England, for instance, to certain individuals among his subjects, legitimately implied the following things; first, that he would guaranty the territory, which he had granted, against the claims of any other European power; secondly, that he had not granted, and would not grant, the same territory to others of his subjects; and thirdly, that the grantees were to hold the territory, when actually settled, as a part of his realm, under such principles of jurisdiction and legislation, as might be properly applied to other parts of his realm. So much would be fairly and naturally implied in giving and receiving a charter. Specific conditions might be inserted, at the pleasure of the King, which, if assented to, would bind the grantees; provided, however, that the conditions did not invade the inalienable rights of his subjects, nor of any other persons.



But nothing can be more extravagant than to suppose, that the charter of an English king could deprive of their rights the inhabitants of a distant continent ; or that their title to land or rivers could be in the slightest degree invalidated by the magical effect of a parchment, signed by a man of whom they never heard, and who knew nothing of the regions which he conveyed, nor of the people by whom these regions were inhabited. Several of the charters conveyed territory bounded by lines of latitude, and extending from the Atlantic to the Pacific ; and certainly the King of England had as good a right to take lands from the natives of California as from the natives of Cape Cod. If he could properly drive a Narraganset from his fishing hut, at the mouth of Newport harbor, he might seize the beaver-traps of the Sioux on the head waters of the Mississippi. If he might, by the mere force of his royal prerogative and as the head of a discovering nation, hold a single mile on the Atlantic coast, against the will of the original owners, he might seize and hold the entire continent, so far as the rights of the natives were concerned. To the consequences of such a doctrine we may advert on a subsequent page.

We have spoken of the legitimate meaning and effect of a royal charter. In point of fact, however, the kings of Europe did, in some instances, assert the right to subdue the natives by force, and to appropriate their territory, without their consent, to the uses of the colonists. The King of Spain founded this right solely on the grant of the Pope, as the vicergerent of Christ upon earth. The Kings of England, in the sixteenth century, placed it on the superior claims, which Christians possessed over Infidels. Spain acted in accordance with her principles, and treasured up a fearful amount of guilt and infamy, which will be remembered against her so long as the history of this continent shall be known. It is a pleasing consideration, however, that there were individuals, even in the court of Spain, who utterly disclaimed and rejected these absurd and tyrannical doctrines. Mr. Huntington, in the course of his researches on the Indian question, ascertained, that the civilians and crown lawyers of Spain gave their advice against receiving the Pope's grant ; and ' one of the bishops in a treatise dedicated to Charles V., uses this strong language : " The natives of America, having their own lawful kings and princes, and a right to make laws for the good government of their respective dominions, could not be expelled out of them,

nor deprived of what they possess, without doing violence to the laws of God, as well as the laws of nations.”

This opinion is so obviously just and reasonable, that it would not seem deserving of particular praise, had it not been pronounced in a period of great superstition, and in opposition to the doctrines, then prevalent, of unbounded ecclesiastical and regal prerogative. But what words can express the indignation of every honorable man, that in the United States, and at the present day, the attempt should be made to prove, by the weakest and vilest sophistries, that the natives of America had no rights, either of territory or government; and that the discovery of a cape, or an island, was a constructive possession of a tract of land extending across the continent?

The charters given by British kings, during the seventeenth and eighteenth centuries, are generally silent respecting the natives. Lands, rivers, and so forth, are granted, in precisely the same manner, as if there had been no inhabitants. This course was very far from being honorable. The rightful occupancy of the Indians should have been explicitly acknowledged, and a fair and lawful manner of purchasing their title should have been prescribed. The very silence of the charters on this subject shows, that the extravagant claims of the sixteenth century were abandoned, as utterly untenable. It shows also, that there was a grasping desire on the part of the European monarchs, which was altogether unjustifiable, and a disposition to leave the Indians to the arts and the cupidity of adventurers. If religious persecution had not driven to these shores some of the best and most honorable men in the world, it is not improbable that serious encroachments would have been made upon the rights of the North American Indians, under color of the royal charters. A few details can be gathered from the early history of this country, which indicate an undue reliance upon these charters; but we have seen no evidence, that the Indians were, in a single instance, deprived of their lands, under any pretence of right to these lands, subsisting in the King of England.

It is true beyond all question, that the early settlers at Plymouth, at Salem, at Saybrook, and, as a general rule, all along the Atlantic coast, purchased the lands upon which they settled, and proceeded in their settlements with the consent of the natives. Nineteen twentieths of the land in the Atlantic

states, and nearly all the land settled by the whites in the western states, came into our possession as the result of amicable treaties. The small portion, claimed by right of conquest, was wrested from the Indians in strenuous war. It was no fictitious or constructive conquest. Every inch of ground was contested ; and most of the wars, which issued in acquisition of territory from the Indians, were forced upon our fathers, and were strictly defensive on their part. Some small portions of territory were abandoned by Indians, because they preferred to live at a greater distance from the whites.

In a word, the first settlers of the Anglo-American colonies, and of the Dutch colony on the Hudson, purchased lands of the Indians, or professed to have purchased them, in the most honorable manner. Although doctrines were sometimes asserted in theory, which would have abridged the rights of the Indians, yet we do not find in practice a single demand of territory from them, on the ground that the king of England had granted it to some of his subjects. The practice was all the other way ; and every purchase of land from the Indians was made in such a manner, and under such circumstances, as to be a fair and full admission of their *right to sell* ; and, of course, an admission of their original title.

At an early period of the settlement of Massachusetts, as we learn from Hutchinson's history, the most ample and explicit declarations were made by our fathers to this effect ; viz. that the natives had derived from God a perfect title to their country ; that they were subject to their own government, and to no other ; and that no human power could divest them of these rights.

Soon after the emigration commenced from Boston and its neighborhood to the banks of Connecticut river, murders were perpetrated by Indians residing not far from Springfield. The governor sent to Mr. Pyncheon, the magistrate or leading man of the new settlement, directing that the murderers should be apprehended for trial and punishment. Mr. Pyncheon declined obeying the order ; and, among other reasons, assigned the fact, that the Indians were not under the jurisdiction of Massachusetts. This fact is stated with admirable clearness, as follows : ' I grant that all these Indians are within the line of the patent ; but yet, you cannot say they are your subjects, nor yet within your jurisdiction, till they have fully subjected themselves, (which I know they have not,) and until you have bought their land. Until this be done, they must be esteemed



as an independent, free people.' This passage indicates a discriminating mind and an honest disposition. It is in the true spirit of our declaration of independence, issued more than a hundred years afterwards, in which we asserted, that governments derive 'their just powers *from the consent of the governed.*' In this extreme case of actual murder, committed by Indians near the white settlements, and within the chartered limits of the colony, this magistrate had the candor to admit, that the perpetrators were not amenable to the laws of the whites, because they had never subjected themselves to those laws. The reason was admitted by the governor to be valid. The only method of proceeding against the Indians would have been to demand satisfaction, and, if it should be withheld, and the cause should have been deemed sufficient, to declare war in the last resort.

It is true that the colonists, and sometimes the agents of the government at home, talked to the Indians about the grandeur of the English monarch, the number of his people, the greatness of his power, his willingness to protect his friends, and his ability to punish his enemies. In these discourses, some vague expressions about his sovereignty were doubtless uttered; but always in such a sense, as to lead the natives to think that it was a great benefit to live under the king's protection; that his character was altogether paternal; and that living under his care implied only, that Indians living in this manner were not to join the French or the Spaniards, and were to remain secure in the possession of their lands, liberties, and laws. No instance has met our eye, nor has it been intimated in the late discussions, that any instance can be found, in which an English colony, or an English agent, told the Indians, that they had no right to the lands on which they were born; that the king of England had granted their country; and that they were now subjects of the king, amenable to his laws; all their own laws and customs being abolished by his order. There would have been as little safety as honesty in making such a proclamation, at any period of the colonial history.

Treaties were made with the Indians from the first. Some of them were observed on both sides, with exemplary fidelity. When differences arose, and wars succeeded, the change of feelings and of circumstances was often owing to the improper conduct of individuals. Even war did not always, nor often, prevent a return to a regular diplomatic intercourse. Treaties

were made, in numberless instances, and in every part of the continent, founded on stipulations, which implied as much actual and rightful independence on the part of the Indians, as on the part of the whites.

About the middle of the last century, alliances with the Indians became very important, and were much sought by the English and the French. The terms of these alliances usually were, an engagement of protection, accompanied with presents, made by the European power to the Indians, and the admission of a qualified dependence by the latter. It was never understood, however, that the Indians were to be deprived of their lands without their consent, or that their laws and customs were to be in any manner affected. Before the commencement of the revolutionary war, the policy of Great Britain had become fixed and uniform on this subject. The Indians were not to sell their lands to individuals, nor to the enemies of the king. They were to live under his protection, and to remain secure in the possession of their hunting-grounds and of their independence. Whenever they were disposed to sell their lands, the government alone could purchase; that is, the government, either of the colonies, or of the mother country, as the circumstances of the case might be. This right of pre-emption, and the cognate right of succeeding to the possession of any portion of the country which the Indians might abandon, or where they might become extinct, were claimed by virtue of discovery. All the principal tribes of Indians agreed, by formal stipulations, that they would not alienate their lands, except to the government.

Those who would stretch the right of discovery to such an extravagant extent, as not to leave the Indians any rights at all, allege, that the highest judicial tribunal in this country has decided, that the Indians have the occupancy merely, while the title to the land is in the government. From this statement, the terms of which seem not very favorable to the Indians, it is inferred, that the Indians have not, never had, and never can have, any title to their land; and, as the supreme court is justly and highly respected for the correctness of its decisions, the next inference is, that, in point of morality, there is no danger of encroaching upon Indians, for they have no rights either of person or property. Now in this interpretation of the opinion of the court, there are several great mistakes.

As to the title of the European sovereigns to Indian lands,

as gained by discovery, the court simply declares what were the claims, laws, and practice, of the mother country and the colonies. The claims and the practice were uniform to this extent ; viz. that the natives could not sell their lands to foreigners, nor to individual white men. Of course, the government could be the only purchaser, and the only successor to the Indian title. This right of pre-emption and of succession was called by the court *a seizin in fee*, or an ultimate title ; it being the only remaining title, after the occupancy of the Indians should cease. The name given to the right of pre-emption could not in any manner affect the claims or the rights of the Indians, so far as the nature and the extent of their occupancy were concerned. The court considered the law to be as above described ; and of course all judicial tribunals were bound so to declare it.

Not a few persons have supposed, that the mere recognition of the right of discovery, as above described, was tantamount to a declaration, on the part of the court, that the right of discovery, as claimed by European sovereigns, even in its greatest latitude, was reasonable, equitable, and binding upon the natives. This is a total mistake ; and it originated from a misconception of the proper functions of a court of law. Such a court is bound to declare what the law is, and not what it should be. In every well regulated government, the legislative power is kept distinct from the judicial ; and in Great Britain and America, this distinction is marked by plain and positive rules. A court can neither make, alter, nor repeal a law ; nor does the announcement of a legal doctrine, or of an established usage which the court is bound to recognise, imply that, in the opinion of the court, such doctrine, or such usage, was originally wise and salutary. On the contrary, courts of law are often called to sustain and enforce particular acts of legislation, which the judges would by no means approve, if they were called to act as legislators.

It would be a hard case, indeed, if our judges were required to sanction, with the weight of their private character, as moralists, philanthropists, and Christians, all the laws, which, as parts of our code, they are bound to enforce. And, on the other hand, the laws of the country would be in a curious predicament, if they might be set aside, that is, repealed, by the court, whenever the judges, looking at them as philosophers or legislators, should deem them unwise or inexpedient.



The slave trade furnishes the best possible illustration of the subject. This trade was recognised as a lawful traffic by the highest courts of law in England, for a great length of time; and till it was made unlawful by positive statute. If a case had occurred in this country, (and, for aught we know, cases may have occurred,) it must have been pronounced a lawful traffic here, at any time previously to 1808. The same judges, who must then have sustained it as a legitimate commerce, must now declare it piracy, and sentence a man to be hung for engaging in it; and yet the private opinion of the judge as to its inherent enormity, may not have undergone the slightest change. Let it be understood, then, that the judges of the supreme court have only decided what the law is, respecting the right of pre-emption as founded upon discovery; but that they have not declared what they think would have been the wisest and best manner of regulating this subject originally.

For ourselves, we have no hesitation in declaring, that we consider the supposed right of pre-emption to be an encroachment upon the rights of the Indians. We cannot conceive how the sailing of an English ship in sight of Cape Cod should give the king of England any right to dictate to the Indians in Massachusetts, respecting the sale of their lands. We therefore hold, that these Indians might properly sell their lands to Frenchmen, or Spaniards, although an English vessel had sailed along the coast, and seen it, before the Frenchmen and Spaniards arrived.

Having said this, however, we feel bound to add, that the English government might lawfully prescribe on what terms English subjects should purchase lands of Indians; or it might forbid them to purchase as individuals at all. Great Britain and France might agree, that they would not purchase within certain limits; and such an agreement might be a great convenience to the parties, while the Indians could not justly complain of it. Proceeding one step further, the Indians might stipulate with the powers of Europe, that they would not sell their lands to individuals, but only to the governments respectively, with which the stipulations were made. Conventional arrangements of this sort might tend to peace, and to the promotion of the permanent interests of all parties. Such, very nearly, was the state of things, at the commencement of the revolutionary war.

The opinion, which we have expressed, as to the right of pre-emption, seems to us to be the obvious dictate of reason and honesty. How can one man assume the right of prescribing in what manner another man shall dispose of his own property? And how can there be one rule of morality and honesty for individuals, and another for communities? But we are willing to fortify our opinion a little by authority. About the middle of the last century, an English trader, by the name of Trent, purchased of Indians a large tract of land lying on the Ohio, and delivered them a considerable quantity of goods in payment. The deed was formally executed; and the contract was well understood by the parties. The question arose, whether this was a valid purchase, or not. Counsellor Dagge and Sergeant Glyn, two eminent English lawyers, gave a written opinion in favor of the validity of the purchase. They founded their opinion on the fact, that the Indians were the original possessors and true owners of the land. Of this opinion, dated in 1755, Patrick Henry, Benjamin Franklin, and Edmund Pendleton, gave their written approbation. There could be no question that, so far as the Indians were concerned, the sale was a good one, they not having at that time entered into any stipulation with the government not to sell to individuals. The only question seemed to be, whether Trent was not prohibited, by the regulations of his own government, from taking the grant. This was settled, we believe, (though we have not the authority at hand,) by the formal assent of the government to the transaction.

We have already remarked, that the mere act of buying land of the Indians was, in the circumstances of the case, an acknowledgment of their title. But it is alleged against our ancestors, that they obtained lands of the Indians at so cheap a rate, that it was no purchase at all; that this mode of acquiring lands was tantamount to a declaration, that the Indians had no title, and therefore had no claim to a compensation. These positions have been gravely taken and earnestly defended; and, as perhaps no subject has been more misrepresented and misunderstood, we think it worth while to spend a few moments in considering it.

The first settlers, it is said, gave the Indians for their lands only a few trifling articles, of little cost, and less intrinsic value; therefore the Indians were not admitted to have any title to their lands, and the contract was not binding on either party.

This is a fair specimen of much of the reasoning on the subject.

It seems strange, that the purchasers should plead, that a bargain is not binding on themselves, for the simple reason that they obtained the lands at too cheap a rate. One would think, that the other party could demand to be released from the terms, with a better grace. But is it not a maxim, in all civilised countries, that a man can *give away* his property, unless it be charged with the claims of his creditors? His consent, fairly and deliberately yielded, is all that is necessary to a transfer of his property. In cases where a valuable consideration is necessary, the amount is not material. In a conveyance of a house and land, the consideration is equally valid, whether it be five dollars or fifty thousand.

The great thing to be obtained of the Indians was their *consent* to the settlement of their country by whites. Many fair and honest arguments could be used with them, and were used in fact, to induce them to give their consent. They were treated altogether as reasonable beings, and not as brute animals. In every part of the continent, they showed themselves to be possessed of a very good share of natural sagacity. They were told that the settlement of Europeans among them, or near them, would be much for their advantage; that, in this way, they would have a regular traffic secured, by which they might procure articles of essential value to them; that they would thus greatly improve their condition; that the British king was powerful and would defend them against all foreign nations; that, if they would acknowledge him as their great Father, he would regard them as his children, and protect them against every species of injustice; and especially that their lands should not be taken from them, or settled, without their consent. These declarations, and many more of the same general nature, were made to the Indians, all along the coast. In some instances, they were persuaded by these arguments, much more than by the accompanying presents. They received the whites as brothers; they were proud of them as neighbors and allies. The cases were not few, in which strong personal friendships were formed between the red man and the white; friendships, which were maintained with perfect fidelity during the lives of the parties.

Now it appears to us, that such a consent is binding upon the Indians; and that, if not a farthing of property passed from



one party to the other, the possession of the whites, thus obtained, is good in law, in honor, and in conscience. Indeed, if the whites had been hired to come and settle, and the Indians had given the skins of all the beavers, which they could catch in ten years, as an inducement, the possession of the whites would not be the less lawful on that account; nor would the title of the Indians to their remaining lands be in the least degree invalidated, because they had freely given away a part, with the design of gaining kind and valuable neighbors.

If the Indians had a right to give away their lands, they surely had a right to sell them at a low price. But there was in fact, no reason to complain of the price. The settlers usually gave as much for land as it was then worth, according to any fair and judicious estimate. An Indian would sell a square mile of land for a blanket and a jack-knife; and this would appear to many to be a fraudulent bargain. It would, however, by no means deserve such an appellation. The knife alone would add more to the comfort of an Indian, and more to his wealth, than forty square miles of land, in the actual circumstances of the case. And as to the white purchaser, the land could be of no value to him, till he had made it of value by his own labor. It is matter of history, that the English colonists as a body, so far as they had property, were great losers by their settlement here. They were noble spirited men, and property was not their object; if it had been, they would have been egregiously disappointed. Not one in a hundred could have sold his house and farm, (either ten, fifteen, or twenty years after the settlement,) for as much as they had cost him, at a fair estimate of the labor bestowed, without reckoning any compensation made to the Indian proprietor.

It might be curious to ask these scrupulous men, who say that the Indians ought to have received a greater price for their lands, *How the proper standard could be fixed?* Our ancestors were not prophets. They were not certain but that their settlements would fail, as other settlements had failed before. If they should succeed, the settlers could not tell what the intermediate difficulties would be; nor how many reverses must be experienced before they should be successful. But suppose they had been assured, when Boston was settled by the pilgrims in 1630, that lands on Ann-street would sell for ten pounds an acre in 1670; that lands on Washington-street, between Summer and Bedford-streets, would rise to the same value before

1700; that lands in the west part of the peninsula would be taken up for building-lots soon after 1800; and that the site of an insurance-office in State-street would be sold for fifteen pounds a square foot in 1825. How would all this affect the price, which they were bound to offer to the Indians? By which of these prices were they to regulate their offers? These facts, seen with absolute certainty beforehand, would not have proved that the land, on which Boston has been since built, was worth a farthing in 1630.

There are millions of acres of land in the Carolinas, which would not at this moment be accepted as a gift; and yet, as a planter of credit and character assured the writer of this article, much of this land will produce, with very little labor, one hundred and fifty bushels of sweet potatoes to the acre. Two hundred years hence, it will probably bring a hundred dollars an acre. Perhaps some of those kind-hearted gentlemen, who think that our ancestors dealt hardly by the Indians, in giving them so small a price for their lands, would like to purchase some of the best tracts on the Columbia river; or, if they prefer an inland district, some of the best intervals near the head waters of the Yellow Stone. These tracts are now in the possession of Indians, and if any man thinks he ought to give the same price for them, as he would be obliged to give the present owners of lands on the Connecticut, or the Susquehanna, for an equal number of acres, he can doubtless act accordingly. The probability is, that within two hundred years, every acre of land in North America, which shall then be capable of cultivation, will command a good price.

Dr. Dwight has, somewhere in his travels, perfectly vindicated our ancestors from any just imputations on this subject. Among other facts, he mentions the following—One of the first settlers of Northampton, a few years after the settlement began, and the Indian title was extinct, made a bargain, in which it was left optional with the other party to take five shillings or several hundred acres of land in that town—the money being deemed a fair equivalent for the land, which was then the undisputed property of a white man. The whole matter is summed up by Dr. Dwight, in the very sensible and forcible remark, that land in America, when our fathers first came hither, *‘was like water, too abundant to be the subject of price.’*

Perhaps it will be asked, if land was so abundant as not to

be the subject of price, how could there be any title to it? and why might it not be taken from the possessors without their consent? We answer, that the abundance of a thing has nothing to do with the title to it. A man worth a million of money has as good a title to the last dollar as to the first, though a very small part is necessary for the comfortable support of his family. The master of a foreign vessel, anchoring in the river Thames, fills his water-casks without asking permission, or making compensation. Does it follow, that the waters of the Thames are of no value to the British people, and that the government has no jurisdiction over that river? When this continent was first settled, a few square miles of land were of little consequence to the Indians; but it does not follow, that after all the most eligible parts of the continent have passed into the possession of the whites, the small remnants of good land now inhabited by the original proprietors are without value to them; much less, that they have no title to their land, because it is alleged to have been formerly of no value. The reason why land, in the possession of Indians, was formerly of little value, has long ceased to exist. Then, if they sold a tract, they had interminable regions remaining; now, they have not enough left to enable them to keep their community separate from the whites. As the quantity in their possession has diminished, its value has become enhanced as a matter of course. But neither the diminution of quantity, nor the enhancement of value, has any thing to do with the validity of the title.

Unless we greatly deceive ourselves, the candid reader of the preceding pages will agree with us in the following conclusions; viz.

That the original possessors of this continent had a perfect title to such parts of it as were in their actual possession, when it was discovered by Europeans;

That whether this title were recognised or not by English kings, or English courts of law, it should now be allowed in the fullest manner, by every correct moralist and every statesman;

That although discovery gave a right to take possession of unoccupied parts of this continent, it gave no right whatever to dispossess the natives of any lands, which were known to be theirs, whether used for hunting, fishing, pasturage, mining, agriculture, or any other purpose;



That the consent of the natives was necessary, before the whites could take lawful possession of Indian lands ;

That although the kings of Europe might agree among themselves as to the limits within which they would purchase lands of the Indians, and might prescribe to their subjects, respectively, the manner in which purchases should be made ; yet that the Indians were not bound by any of these measures, till they had voluntarily assented to them ;

That the Indians, like all other people, are competent to bind their respective communities by compacts or treaties ;

That, whatever doctrines may have been asserted in theory, the practice of the early settlers, and of those who succeeded them, were based upon the foregoing principles ; and

That, previously to the American revolution, the right of the Indians to the peaceable occupation of their own country, till they should voluntarily relinquish it, was fully admitted by the government of the mother country and of the colonies, and was sustained by the deliberate opinion of some of the ablest men of the age.

But if we were to admit, that Indians had no right to their own lands when this continent was discovered, and that they were to be considered as without the pale of human society, and to be hunted down as buffaloes and bears, it by no means follows, that their character and relations would remain the same, after the white settlers had entered into friendly engagements with them. This, in point of fact, was always done by the settlers, at the earliest practicable moment. The language of the whites to the Indians was, 'we are brethren, children of the same Almighty Lord and Father of all. We have come to do you good. We wish to live in peace with you. As you have much land, will you not grant us a little, and admit us into your neighborhood?' The Indians answered, though sometimes with hesitation and fear, 'you may settle by our side, and you may have land within certain limits.' Compacts of this kind were made between the first settlers and the Indians, along the whole line of the Atlantic coast. From the moment, in which they were made, whatever the respective rights of the parties might have been previously, the question of lawful title should have been considered as forever settled. The Europeans had chosen to regard the red men as human beings, and not as buffaloes and bears. They had addressed them as reasonable beings, and found them accessible

to motives, and susceptible of love and hatred, hope and fear, gratitude and generosity. They had proposed friendly relations, and their proposal had been accepted. They had admitted a title in the original possessors, by accepting grants from them ; and, by agreeing upon limits, they acknowledged the title of the Indians to all lands not purchased from them. No conclusion can be safer, or more unquestionable than that the bare assignment of limits between communities, with the declaration, reciprocally made, *the land on this side belongs to us, on the other side to you*, is an acknowledgment of a perfect title.

Not only is this the natural meaning of the act, but, in the first settlements of this country, it was often and solemnly *expressed* as the meaning ; and no other meaning was ever assigned to it. Now with what face could the colonists, after having obtained a settlement in this manner, turn round upon the Indians, and say, ‘you had no right to the land you granted to us ; and you have none to the remainder ? We shall take the whole.’

When the revolutionary war commenced, the colonists had reason to be apprehensive, that the Indians would be employed against them by the mother country. To the Indians our fathers were no strangers. Their modes of warfare, their history, their competency to enter into contracts, their claims to territory, were well known. With this perfect knowledge of their rights and their character, the first Congress, more than a year before the declaration of independence, directed ‘proper talks to be prepared for the several tribes of Indians, with a view to engage their continued friendship, and their neutrality in the unhappy dispute with Great Britain.’ In September, 1775, a treaty with the Six Nations was reported to Congress, and various resolutions were passed, all having for their object the maintenance of friendship with the Indian tribes, as independent sovereignties. In March, 1776, it was resolved, ‘that Indians should not be employed as soldiers, in the armies of the United Colonies, before the tribes to which they belong should, in a national council, held in the customary manner, have consented thereunto ; nor then, without the express approbation of Congress.’ A more honorable stand could not have been taken by this most illustrious body. The national rights of the Indians were acknowledged in the fullest and yet the most delicate manner. Congress was not willing that

tribes should be exposed to retaliation and injury, on account of the acts of individuals ; nor that they should be drawn into a war without time for deliberation, or without their consent.

In October, 1777, it was resolved, 'that it be earnestly recommended to the President and Assembly of the State of Georgia to use their utmost exertions to cultivate peace and harmony with the *Indian nations*.' The next year, a treaty was formed with the Delaware Indians, by which the parties bound themselves to perpetual peace and friendship, and to an alliance offensive and defensive. The United States 'guaranteed to the Delaware nation all its territorial rights, in the fullest and most ample manner, as it hath been bounded by former treaties, as long as the said Delaware nation shall hold fast the chain of friendship.' Here is an instance of a solemn guaranty to an Indian nation, given in the extremest crisis of our nation's peril, and therefore under circumstances, which rendered it doubly sacred.

The transactions of the revolutionary Congress, in relation to the Indians, were very numerous ; and they were all regulated by the principle, that Indian tribes were distinct communities, and had a perfect right to their territory, and to their own forms of government.

By the articles of confederation, all public intercourse with the Indian tribes was made a national concern ; and the several States thus relinquished to the United States the right of making treaties with these tribes.

In 1785, the treaty of Hopewell was formed between the United States and the Cherokees. By this compact, peace was made, boundaries were fixed, and permanent relations established between the parties. The Cherokees consented to come under the protection of the United States, and of no other sovereign. Prisoners were exchanged ; and it was agreed that no future acts of retaliation should take place, unless in the event of a manifest violation of this treaty ; and then, not till after a demand of justice, and a declaration of hostilities. Intruding whites were abandoned to the Indians to be punished according to their discretion ; and criminals, taking refuge in the Indian country, were to be delivered up to the United States for punishment.

From a mere reference to these topics it is manifest, that the national character of the Cherokees was admitted in the fullest sense ; and that there was an implied guaranty of their



territory, inasmuch as definite boundaries were fixed, and white men were forbidden to transgress them. Against this treaty North Carolina and Georgia protested, on the ground that it was an exercise of power by the United States, not confided to them by the articles of confederation. The whole difficulty arose from different constructions given to the following sentence, in one of the articles: 'The United States, in Congress assembled, shall have the sole and exclusive right of regulating the trade and managing all affairs with the Indians; not members of any of the States, *provided* that the legislative right of any State within its own limits be not infringed or violated.' The 'affairs' of the Indians here intended are shown by contemporary history and legislation to have been their public affairs, or their intercourse with the whites. There is not the slightest reason to suppose, that it had any reference to the laws, customs and usages of the Indians among themselves. Some of the Indian tribes had been broken up, or dissolved, and the individuals were either settled among the whites, or wandered about without any fixed residence. By 'Indians, not members of any of the States,' were probably intended all the tribes, which remained upon their original territory, and in their original independence. The exact meaning of the proviso it seems not very easy to ascertain. It may have been this: viz. that it was not the design of the parties to these articles to restrain the legislative right of any State in regard to the Indians, but rather to leave the proper extent of this right to be afterwards ascertained. In point of fact, the several States had never exercised any right of legislation over Indians residing within fixed limits, upon their original territory. This had not been done, even in the oldest States, in reference to any considerable body of Indians, though several communities of this kind had been surrounded by white settlements, and were clearly included within the external limits of States. By every sound rule of construction, a *proviso* should not be so interpreted as to make the principal clause inoperative, unless such an interpretation be unavoidable. But as the chartered limits of the several States embraced all the territory within the United States, it is evident, that the framers of the articles of confederation must have supposed, that there were Indians within the United States, not members of the several States, nor subject to State legislation. As a controversy existed, in regard to the disposition, which

should be made of unappropriated lands, it is probable that much difficulty was experienced in framing the article now under consideration. Mr. Madison, in the *Federalist*, declared it to be 'obscure and contradictory,' and expressed his gratification that nothing like it had been introduced into the constitution.

The protest of North Carolina and Georgia was referred to a committee of Congress. An elaborate report was made in support of the power of the general government, as it had been exercised in the treaty of Hopewell; and that treaty went into full effect.

It should be understood, that these two States did not assume the positions now taken, that Indian tribes are not competent to make treaties; that treaties made with them are not binding; and that the several States may extend their laws over the Indians without their consent. The controversy was on the single point, whether treaties should be made with the Indian tribes by the United States; or by separate States with the tribes within their respective chartered limits. The State of Georgia was particularly desirous to make contracts with the Indians for the acquisition of their lands, without any restraint from the United States. But the committee of Congress, to whom the protest was referred, argued, that all public relations with the Indians are strictly a national concern; and that, as the nation was called upon to conduct wars with the Indians, it was necessary that treaties should be made under no other authority than that of the United States.

When the constitution was formed, the treaty-making power was expressly given to the general government, and expressly inhibited to the several States. By the same instrument, Congress was invested with power 'to regulate commerce with foreign nations, and among the several States, and with the Indian tribes.' All treaties then in existence, and all treaties, which should be made thereafter, were declared to be the supreme law of the land, paramount to all State laws and constitutions. No dispensing power was given to any branch of the government, nor to all the branches united. The reason is obvious. No treaty can be dispensed with, or set aside, by one of the parties. If the terms of a treaty are burdensome, relief must be sought by negotiation. There is no other way, except by an appeal to arms.

When the meaning and effect of treaties come under judicial

investigation, the courts of the United States are the tribunals, to which this duty is assigned by the constitution. Hence an opinion has arisen, and has sometimes been expressed by gentlemen of respectability, that the supreme court of the United States might declare a treaty void, on the ground that it is unconstitutional. But the court is invested with no such power. It might as well declare one part of the constitution void, on the ground that it is inconsistent with some other part, as a treaty void, because it transcends the powers of government. It must be taken for granted, that the framers of our constitution made a plan, the parts of which are not inconsistent with each other. At any rate, if there be an inconsistency, the people of the United States must remove it. In like manner, if the President and Senate make a treaty, it must be taken for granted that they have not transcended their powers. The treaty-making power involves all the high attributes of sovereignty. The framers of the constitution manifestly intended to lodge this power in safe hands. If they committed a mistake, the people can, by an amendment of the constitution, make a different disposition of it. Treaties are, in their nature, transactions of a higher character, than constitutions of internal government. The whole human family is interested in securing the faithful observance of engagements between nations; and this interest greatly increases, if one of the parties be weak and the other strong. Such nations as England, France, Russia, and the United States, can take care of their own interests; but, if the sanctity of treaties is to be violated, how is it possible that the weak should ever be protected?

Questions as to the *meaning* of treaties may often arise; and they must often be decided, so far as they affect individuals, at least, by some tribunal known to the laws. But to say that a particular branch of the government of one nation can *set aside* a treaty, in which another nation is interested, is altogether preposterous. Were a question to arise between France and England, as to the validity of a treaty, would England be satisfied with having the matter decided by the French court of cassation, or France with a judgment of the court of king's bench in Westminster-Hall?

One of the first objects of attention, after the organization of the general government under the constitution, was our public relations with the Indians. With the Creeks, occupying the region which now forms the central and south-western parts of



the state of Georgia, no national treaty had then been made. They stood in a very threatening posture, in the vicinity of white settlements. They, with the aid of the neighboring tribes, could bring fourteen thousand warriors into the field. A quarter of that number would have been sufficient to keep the new settlers in a state of consternation, through an extent of five hundred miles on the frontier.

During the first session of the first congress under the constitution, viz. on the twenty-second of August, 1789, the President of the United States, attended by General Knox, came into the Senate, and laid before that body a statement of facts, proposing several questions for their advice and consent. Among these questions was the following: 'Whether the United States shall solemnly guaranty to the Creeks their remaining territory, and maintain the same, if necessary, by a line of military posts?' This question was answered by the Senate in the affirmative; and necessary funds were ordered, at the discretion of the President.

In pursuance of this advice and consent of the Senate, three distinguished men were appointed commissioners to treat with the Creeks; but, for reasons which we are not able to state, the negotiation was not successful. The next year, twenty-four Creek chiefs were induced to visit New-York, which was then the seat of government. A treaty was here negotiated by the secretary of war, under the immediate eye of General Washington. It was authenticated with uncommon solemnity, and appears to have been ratified by a unanimous vote of the Senate. The fifth article is in these words: 'The United States solemnly guaranty to the Creek nation all their lands within the limits of the United States, to the westward and southward of the boundary described by the preceding article.' It is impossible for any fair and honorable mind to doubt as to the meaning of this stipulation; and therefore we will not detain our readers with any remarks upon it.

On the 11th of August, 1790, General Washington, as President of the United States, transmitted to the Senate a special message, on the subject of our relations with the Cherokees. This was four days after the treaty with the Creeks was signed, during which interval it had been ratified. In the message, the treaty just formed was alluded to as 'the main foundation of the future peace and prosperity of the south-western frontier.' The President insists, however, upon the necessity of having

‘the treaties with the other tribes in that quarter *faithfully performed* on our part.’ He reminds the Senate, that the Cherokees, by the treaty of Hopewell, had placed themselves under the protection of the United States; that the whites had subsequently intruded upon the Indians; and that Congress, in September, 1788, had forbidden such unwarrantable intrusions. He announces his determination to exert the powers intrusted to him by the constitution, in order to carry into faithful execution the treaty of Hopewell, and concludes his communication with the following question: ‘Shall the United States stipulate solemnly to guaranty the new boundary, which may be arranged?’ The Senate, by a resolution in almost the same words as the question, ‘advised and consented solemnly to guaranty the new boundary.’

The President followed this advice; and the treaty of Holston was formed, July 2, 1791, by the seventh article of which, ‘the United States solemnly guaranty to the Cherokee nation all their lands not hereby ceded.’ The treaty of Holston is the basis of all subsequent negotiations. In the first treaty of Tellico, which was formed under the administration of the elder Adams, the United States stipulate, that they ‘will continue the guaranty of the Cherokee country forever, as made and contained in former treaties.’ Regular treaties, negotiated by commissioners with full powers, and all duly ratified by the Senate, were made with the Cherokees during every administration, down to that of Mr. Monroe, inclusive. There are fifteen of these most formal and solemn compacts. During all the period which has intervened since the date of the treaty of Hopewell, there has been constant intercourse with these tribes, by letters from the President and the war department, and by agents residing among the Indians, as organs of communication with them. All these transactions have been in accordance with the principles announced by General Washington, and recognised by his successors. The Indians were always made to understand, that their territory was to remain inviolate, unless they freely consented to part with it.

The intercourse-laws have all proceeded upon the same principles. Intrusion upon Indian lands is forbidden under heavy penalties, which are graduated according to the design of the intruder. Those acts which would indicate ownership, or which would alarm the Indians with the apprehension of a claim, are visited with peculiar severity. In the treaties, and

in the laws, there are numerous provisions in relation to inferior subjects, which imply that the Indians had a government of their own, that was to continue permanently; and there is not a syllable, which has the most distant implication that the United States, or any separate state, claimed, or ever would claim, the right of legislating over the Indians, or exercising any power over them, not expressly given in the treaties. The last compact with the Cherokees, except one, was negotiated by General Jackson in 1817. The preamble states, that a part of the Cherokees wished to remove beyond the Mississippi, and a part wished to remain. The design of the transaction was to promote the views of both parties, and to give both an 'assurance of our patronage, our aid, and good neighborhood.' It was expressly stated, that those who remained were desirous of 'beginning the establishment of fixed laws and a regular government.'

Mr. Calhoun negotiated the last treaty with the Cherokees, in 1819. The preamble declares, in effect, that the Cherokees as a body wished to remain on the land of their fathers, with a view to their national preservation. It is implied, that the treaty was made to secure that distinct object. By the fourth article, a permanent school fund is created, which is expressly appropriated 'to diffuse the benefits of education among the Cherokee nation *on this side of the Mississippi.*' The next article extends the intercourse-law over the Cherokees, as a permanent protection; which, therefore, can never be repealed, as to the Cherokees, without their consent.

We have thus drawn a hasty outline of the principal stipulations, by which the integrity of the Cherokee country is guaranteed, and the rights of the inhabitants secured. What other community is there on earth, that can show so many muniments erected for its defence, within the short period of forty-five years? What other community can show such a current of public transactions, all running with an irresistible tide in the same direction, and without meeting with any obstacle, that could make even a ripple? With what other people have the United States ever entered into stipulations, after so much consideration, and under circumstances of the same solemnity? The father of his country, soon after he was inducted into the office of chief magistrate of the United States, distinctly inquired of the Senate, whether they would advise him to offer a solemn guaranty of their country to the Creeks. Being answered in the affirmative, the guaranty was made as soon after-



wards as a treaty could be negotiated. A year had elapsed, however, and the Senate was called upon to ratify the guaranty, which it had advised. This was done unanimously. The President then began a similar course in regard to the Cherokees. The same guaranty was proposed, given, and ratified; and, during the progress of these transactions, another year had elapsed. Thus, during the first Congress under the federal constitution, the question of guaranty was distinctly before the Senate, at least four times; and it was indirectly before that body, when commissioners were appointed; and probably on other occasions. The Senate was composed, in great part, of the very men, who had been members of the convention, by which the constitution was formed. It is incredible, that they should mistake the meaning of that instrument, on so important a subject. The same guaranty has been implicitly ratified in every subsequent compact. The terms of the stipulations are perfectly intelligible, so that there is no room for doubt, or cavil. If the United States are not bound by these engagements, how is it possible for a nation to bind itself? and how is it possible for a weak party to know, whether its rights are to be protected, or not? or rather, how much reason is there to fear, that a weak party has no rights, and that the law of force must always prevail?

It is admitted by some, that were it not for other obligations, by which the United States are bound to the several members of the Union, these treaties with the Indians would hold us as a nation. They suppose, that the obligations to the several states are prior to these treaties with the Indian tribes. But, after all that has been said and written on this subject, we have not seen the slightest evidence, that there are any incompatible obligations. Every treaty with every Indian tribe may, unless we are greatly mistaken, be fulfilled to the very letter; and yet no engagement, either express or implied, now in existence between the United States and any separate state, or any community, or individual, would be in the least danger of violation.

The claims of Georgia, under the compact of 1802, are supposed to form the strongest case of incompatible obligations; and we admit that these claims have been so represented, as to puzzle some intelligent minds. If fairly stated, however, they furnish no occasion for doubt or embarrassment, on the part of the general government, or of complaint on the part of Georgia.

It is contended, by the advocates of Georgia, that the declaration of independence, sustained by the revolutionary war, and confirmed by the peace of 1783, vested in that state all the rights of the British king to the land within its chartered limits; and that the United States have guarantied to each state all its rights of territory and government. The United States were, therefore, at the date of the treaty of Hopewell, bound to Georgia by an obligation incompatible with the terms of that treaty. This being the case, the first obligation must remain inviolate, and compensation must be made for the violation of the second.

Upon this statement, we cannot help remarking, that, if true, it is a most humiliating one. The articles of confederation were considered and adopted by the wisest men, whom the country was able to send to Congress, in the brightest period of our history. Our relations with the Indians were fixed by the same men, at the same period. Both subjects were in the highest degree interesting to the whole country. On the course which should be pursued toward the aborigines, depended in a considerable degree our national character, and the freedom of the frontier from the terrible and protracted calamity of an Indian war. And yet, with all these mighty interests at stake, they entered deliberately into clashing and contradictory engagements. If they did this, they must have made false representations to the Indians, on subjects of vital importance. They must have pretended to exercise powers which they did not possess; and, under the pretence of giving an equivalent, which they had no power to give, and for the loss of which they cannot make indemnity, must have obtained, from the poor, deluded, suffering Indians, terms of great value to the United States, and especially to the people on the frontier.

It is a great mistake, however, to suppose, that the worthies of the revolution committed an error so little in accordance with their general character, and of such disastrous issue to the Indian nations. Nothing but the most positive stipulations, absolutely irreconcilable to each other, should make us willing to admit the existence of such an error. We need not be alarmed for the reputation of our most eminent statesmen. There is not even an apparent discrepancy between the stipulations, either express or implied, of the states among themselves, and their united stipulations, as one party, with the Indians as another.

As to the succession of Georgia to the rights of the British

king, it was settled before the revolution, that the King could not take actual possession of Indian lands for the use of his subjects, except in pursuance of treaties made with Indians ; and as to the confederated states guarantying to each state the right of taking lands from the Indians by force, because these lands lay within the chartered limits of a state, the direct contrary was expressly provided. The United States were invested with the treaty-making power, under the confederation, as well as under the constitution ; and this power was often and solemnly applied to the Indian nations. The confederated states, and not any one of their number, sustained a national character. Wars with the Indians were, and must be, sustained at the national expense. Treaties of peace and limits must of course be made by the nation.

Besides, the United States never admitted, that the separate states were entitled to what were called the crown lands ; that is, the lands still remaining in the possession of the Indians, and reserved by royal proclamation for their continued occupancy. So far from guarantying the Indian lands to Georgia, the confederated states maintained, that whatever claim the whites had to these lands,—the claim to extinguish the Indian title by amicable purchase,—belonged to the United States, and not to Georgia. The claim was resisted by that state, and was finally put to rest by the compact of 1802.

In this compact, the cessions are mutual, or reciprocal. Georgia cedes to the United States all her 'right, title, and claim' to lands west of a certain line ; and the United States cede to Georgia all their 'claim, right, or title' to lands east of the same line. The lands, which were thus ceded by Georgia to the United States, now constitute the states of Alabama and Mississippi. The cession was made on certain conditions ; and among these conditions is an engagement, 'that the United States shall, at their own expense, extinguish, for the use of Georgia, as early as the same can be peaceably obtained, upon reasonable terms, the Indian title to the county of Talasse, and so forth, and to all the other lands, in the state of Georgia.' This is the stipulation, which is mainly insisted on, as imposing upon the United States the obligation of obtaining, at all hazards, the Cherokee lands for the use of Georgia. But the bare reading of the clause is sufficient to show, that the obligation is conditional. The title was to be extinguished '*peaceably*,' and '*on reasonable terms*.' Of course, the Indians had the ac-



knowledge power of keeping their country forever, if they pleased; and this would give Georgia no cause of complaint against them, or against the United States. In fulfilment of that stipulation, however, the general government has purchased the Indian country, as fast as the original proprietors would sell. In this process, the whole Creek territory, within the chartered limits of Georgia, has been obtained for the use of that state, and is now settled by its inhabitants. Portions of the Cherokee territory have also been ceded, so that twenty millions of acres, in the whole, have come into the possession of Georgia, since the execution of the compact. About five millions of acres still remain in the possession of the Cherokees, over which territory and all its possessors, Georgia claims the right of extending her laws.

Not only is the engagement with Georgia conditional, but the very terms of the conditions are inconsistent with the use of any means, but those of persuasion and argument. The Indian '*title*' is acknowledged as in existence, and is to be '*extinguished*,' before the lands can be obtained for the use of Georgia. Previously to that time, the United States had made no fewer than five treaties with the Cherokees, and two with the Creeks; and it was perfectly well known to the parties, that treaties were the only means, by which the Indian title could be extinguished.

In the very paragraph of the compact which contains the stipulation, it is stated, by way of description and recital, that 'the President of the United States has directed that a *treaty* should be held with the Creeks;' and, in a previous paragraph, the United States engage to open a land-office, 'for the disposition of the vacant lands thus ceded, to which the *Indian title* has been, or may *hereafter* be, extinguished.' It thus appears, that the very instrument, under which Georgia has pressed her claim, shows most conclusively, that no means of violence were to be used; that all public intercourse with the Indians was to be held by the United States; and that Georgia was to have no agency, direct or indirect, in extinguishing the Indian title.

There is another remarkable passage in the same instrument,—a passage inserted for the purpose of protecting the Indians in their rights, during all future time. Georgia made it an express condition, that any new state to be formed upon the ceded territory should conform to the articles, (one ex-

cepted,) of the ' ordinance for the government of the territory north-west of the Ohio.' Among these articles, to which such new state should conform, is one, of which the following sentence constitutes a part : ' The *utmost good faith* shall always be observed towards the Indians ; their lands and property shall never be taken from them *without their consent* ; and in their *property, rights, and liberty*, they never shall be *invaded or disturbed*, unless in just and lawful wars, authorised by Congress ; but laws founded in justice and humanity shall, from time to time, be made for preventing wrongs being done to them, and for preserving peace and friendship with them.'

When the compact here under consideration was adopted and confirmed by the legislature of Georgia, the act declares, that the deed of cession is ' fully, absolutely and amply, ratified and confirmed, *in all its parts* ; and is hereby declared to be binding and conclusive on the said state, her government and citizens, forever.'

Thus Georgia, in the most solemn manner, bound herself not to sanction any invasion or disturbance of the Indians in their rights, and secured the imposition of the same obligation upon new states afterwards to be formed. Consequently, when Mississippi and Alabama were admitted into the Union, the ordinance of 1787, containing the passage above cited, was expressly adopted by each of these states, as the indispensable condition of its admission.

In December, 1827, not three years ago, Georgia, by an act of her legislature, asserted the right of taking possession of the Cherokee country by force. She declared, that the Indians were tenants at her will, that she wanted their lands, and *would have them*.

It is not our intention, after all that has been said, to spend any words upon the reasonableness of this claim. There may be some use, however, in stating briefly, in how many ways, and for what length of time, Georgia has bound herself not to assert it.

1. Oglethorpe, the founder of the colony, and all his associates, went upon the ground that the Indians had a right to their own lands. He solicited permission to settle at Savannah ; and every foot of territory, which he and his successors gained, was gained by treaties and defined by known boundaries. The engagements were numerous and positive, that whites should not intrude upon any lands, which the Indians had

not sold. The general intercourse between the parties stood entirely upon this basis. The colonists came as friends of the Indians. In this character alone, and with a view to the permanent benefit of the Indians, did they plead for the cession of lands. For many years after the first settlement, they might have been cut off, in a single day, by the natives. In 1763, a treaty was formed at Augusta, in the negotiation of which, the governors of Georgia, the two Carolinas, and Virginia, and the King's superintendent of Indian affairs, were associated. All the southwestern tribes were represented, and their right to their own lands was in the strongest manner implied. Thus, in the infancy of the colony, and during forty-three years before the declaration of independence, the treaties, and the daily intercourse, were all in favor of the rights of the Indians.

2. In the course of the revolutionary war, various negotiations were held between the Cherokees, and the authorities of Georgia. A treaty was formed at De Witt's Corner, in 1777, by commissioners duly empowered by the States of South Carolina and Georgia, and by Indian councils. The whole aspect of the transactions is that of negotiations between independent powers, capable of binding themselves and their posterity. After the close of the war, several other treaties were made between the Cherokees and Georgia, acting as an independent State. All these treaties were negotiated upon the same basis as the preceding ones.

3. Georgia was one of the confederated States; and, during the existence of the confederation, the treaty of Hopewell was formed. Georgia remonstrated against it on the single ground, that it belonged to her, as a separate State, to treat with Indians occupying a part of the land within her chartered limits. She did not object to the great principles of the treaty; that is, a definite boundary and an implicit guaranty. Congress was not convinced by her remonstrance. On the contrary, a proclamation was issued by Congress, in 1788, to enforce the treaty of Hopewell; and preparations were made to march troops from the Ohio to defend the Cherokees against intruders, according to the stipulations of that instrument. In 1790, General Washington, in the second year of his presidency, declared the treaty to be in force, and expressed his determination to execute it. Thus, as a confederated State, was Georgia bound by this treaty with the Indians, as truly and firmly as by the peace of 1783 with Great Britain.



4. The federal constitution provides, that all treaties previously 'made,' and all which should be made thereafter, shall be 'the supreme law of the land.' The treaty of Hopewell was then in existence. In the language of Mr. Bates,

'Georgia, by adopting the Constitution, agreed, at least, to *this treaty*. Nor is there the slightest foundation for the suggestion, that she did not intend to affirm this treaty. Let it be recollected, that this treaty was not only uniformly called a treaty, and known as such, but of all other treaties, this was most likely to be distinctly in view. 1st. Because it was the subject of her remonstrance to Congress in 1786. 2d. Because the boundary to which it related had been a matter of perpetual dispute between her and the United States; and, 3d. Because, when she adopted the Constitution, the proclamation of Congress was then before the people, requiring submission to this very treaty, and calling upon the army to enforce it against the citizens of Georgia. Of all subjects, therefore, which Georgia had openly and fully in view, this was the most prominent, made so by the important contemporaneous events which affected that State individually. But, independent of all this, it is enough that it was then deemed a treaty, and, as such, was made the supreme law of the land.' p. 239.

The constitution also provides, that treaties shall be made by the general government, and shall not be made by separate States; so that, by acceding to the constitution, Georgia bound herself in advance, as did every other State, to abide by every treaty which should be proclaimed as a treaty, by the competent authority of the nation. How is it possible, that this power could have been lodged in other hands, than those of the nation? And how can it be contended, for a moment, that every State is not bound by these highest acts of national sovereignty?

5. During the thirteen years, which intervened, between the organization of the federal government and the compact of 1802, seven treaties were formed between the United States and the Indian nations residing within the chartered limits of Georgia. The two first of these treaties, one with the Creeks, the other with the Cherokees, contain the articles of solemn guaranty, which have so often been mentioned. It is believed, that all these treaties received the unanimous approbation of the Senate. No advocate of Georgia has asserted, so far as we have been able to learn, that a single Senator of Georgia withheld his assent from any of these treaties. The treaty of

Holston, containing the guaranty of the Cherokee country, was never made the subject of complaint in any form. The treaty of Tellico, in which the guaranty was declared to be *forever*, was negotiated by George Walton, an eminent citizen of Georgia, in honor of whom she has lately called a county by his name. Preceding treaties are, in this document, recognised as in force, 'together with the *construction* and *usage* under the respective articles; and *so to continue*.'

6. It has been shown at large, that by the compact of 1802, Georgia acknowledged the validity of treaties, and looked to them as the only legitimate method of extinguishing the Indian title.

7. Since the compact of 1802, ten treaties have been made by the United States with the Cherokees, and six with the Creeks; all in accordance with the principles of previous treaties. It is not intimated, that any senator from Georgia, or from any other State, objected to their ratification. By these treaties Georgia obtained possession of Indian lands, nearly equal in extent to all New England, except Maine.

8. All the constituted authorities of Georgia, including her Governors, legislators, Senators in Congress and Representatives, have uniformly, down to the year 1827, admitted the validity of treaties with Indians. The legislature and the delegation from that State in Congress, were in the habit of urging the United States to make new treaties with the Cherokees and Creeks. In 1819, the Senate and House of Representatives of Georgia addressed a memorial to the President of the United States, in which it is declared, that 'the State of Georgia claims a right to the jurisdiction and soil of the territory within her limits. *She admits*, however, that the right is *inchoate*, remaining to be perfected by the United States, in the *extinction of the Indian title*.' In 1825, the Governor of Georgia, now a Senator in Congress, commanded obedience to a treaty with the Creeks, as the supreme law of the land. The last commissioners, who attempted to treat with the Cherokees, (both of them citizens of Georgia), announced in writing, that the United States alone could negotiate with the Indian nations, or extinguish the title to their lands.

In these various ways has Georgia, during the whole period of her existence, from 1733 to 1827, acknowledged the necessity of obtaining the Indian territory by amicable treaties. All her eminent statesmen,—all her constituted authorities,—have

united in the expression of this opinion, and in acting according to it. How is it possible, that a State should ever be bound, if Georgia is not bound by these transactions? If England were bound to France by stipulations, which could be supported by a thousandth part as much evidence as exists on this subject, and should refuse to acknowledge the obligation, the whole civilised world would denounce her as regardless of her faith. Yet, so many plausible words have been used, and there has been so much parade of reasoning on the subject of State rights, and conflicting powers, that some respectable and honorable men have been misled. The scene is distant from the northern States. A dimness is cast over the whole subject, in many minds, as to the condition and rights of Indians living in the woods.

We have thought it might be useful, therefore, to change the scene, and to state a case perfectly parallel, though relating to a different tribe, and a different State, in order to make the matter so plain, that it cannot be misunderstood.

Let us suppose, then, that one of the New England tribes of Indians, the Mohegans, for instance, were found on the arrival of the pilgrims, in possession of all the territory now contained in Massachusetts; that they permitted the first settlers to land, and received them as friends; and that they made new cessions of territory, as the settlements were extending. The whites encroached, difficulties arose, and wars succeeded; yet peace was repeatedly made, on equal terms, and by the establishment of a known boundary. This was the progress of things, we will suppose, till the commencement of the revolutionary war, when the Mohegans, having placed themselves under the protection of Great Britain, and being persuaded by agents of the mother-country, took up arms against the colonies.

We will proceed with the supposition, as though it were history, and without further interruption.

In 1777, Massachusetts held a negotiation with the Mohegans, by commissioners with full powers, when a peace was made and boundaries were fixed. Other treaties were made between the State and the tribe in 1783 and in subsequent years. Massachusetts, being a member of the confederation, a treaty was made with the Mohegans by the United States, in 1785, by which peace was established, prisoners were exchanged, reciprocity was observed on other important points, and an implicit



guaranty of territory was given. Massachusetts protested against this treaty, on the ground that she alone ought to negotiate with Indians occupying a part of her chartered limits, but not denying the right of the Mohegans to their own country and government. Congress was not in the least moved from its purpose by this protest; but held that the United States had the sole power, by the articles of confederation, of making treaties with Indian nations, situated as the Mohegans then were. In 1788, Congress issued a proclamation against intruders with the express object of enforcing the treaty.

After the adoption of the federal constitution, General Washington declared the treaty of 1785 to be in force, and that he should use all the powers intrusted to him by the constitution to have it maintained with good faith. At the moment of making this declaration, he sent a special message to the Senate, proposing this question: 'Does the Senate advise and consent solemnly to guaranty to the Mohegans the lands which they occupy?' To which the Senate (the members from Massachusetts being present), unanimously answer in the affirmative. A treaty was formed in the year 1791, between the United States and the Mohegans, by which Connecticut river was made the eastern boundary of the Indian country, which then embraced what is now the western part of Massachusetts, the southern part of Vermont, the northwestern corner of Connecticut, and the part of New York which lies east of the Hudson river. In this treaty, 'the United States solemnly guaranty to the *Mohegan nation* all their lands not hereby ceded.' Many stipulations are made, and, among the rest, the Mohegans engage, that they will not form any treaty with a separate State. They grant to the United States the privilege of a road from Albany to Springfield, and permit boats to navigate the Housatonic river. The United States promise to give them implements of husbandry, that they may become herdsmen and cultivators, and with a view to their permanent attachment to their soil. The United States also engage, that, if any citizen of the United States shall go into the Mohegan country and commit a crime there, or do an injury to a peaceable Indian, such citizen shall be punished by the courts of the United States, in the same manner as if a similar crime had been committed within the jurisdiction of Massachusetts, or within any territorial district of the United States. The Mohegans, on their part, agree to deliver up for

punishment any of their people, and any who take refuge in their nation, who have committed trespasses upon neighboring whites; and, in consequence of the various stipulations in their favor, they agree to be under the protection of the United States, and of no other sovereign whatever.

This treaty was ratified by the Senate unanimously, no member from Massachusetts, Connecticut, New York, or Vermont making any objection; and Massachusetts never having objected to the guaranty of 1791, down to the present day.

Seven years afterwards, another treaty was made with the Mohegans, negotiated by an eminent citizen of Massachusetts, acting as a commissioner of the United States, which expressly extends the guaranty of the Mohegan country forever.

Massachusetts having long had claims to western lands, which the United States would not acknowledge, a compact is formed between that State and the United States, in 1802. By this compact, Massachusetts cedes to the United States all her claim to the western lands, accepting as an equivalent a large sum of money and an engagement that the United States would extinguish the Mohegan title as soon as it could be done 'peaceably, and on reasonable terms;' several clauses in the compact implying, that the title was to be extinguished by treaty with the Indians, and that the treaty was to be made between them and the United States, Massachusetts having no agency in any such transaction.

After this compact, ten treaties were made between the United States and the Mohegans, all with the acquiescence of Massachusetts, and some of them at her solicitation. By these treaties, she acquired lands of the Mohegans, till their territory, so far as Massachusetts is concerned, was reduced to what lies west of the counties of Franklin, Hampshire and Hampden, where the Mohegan nation still remains, upon the ground derived from the immemorial occupancy of preceding generations. In one of these treaties, the Mohegans granted to the United States the privilege of a road, which should pass through their country from Rutland, Vermont, to Litchfield, Connecticut. In another it was stipulated, that the agent of the United States, residing among the Indians for their benefit, might cultivate land for a field and garden, so long as he should reside there in that capacity. In the last of these treaties but one, a treaty negotiated by the individual, who is now President of the United States, provision was

made for the permanent residence of the Indians upon their hereditary possessions, and all preceding treaties were confirmed ; and the very last, negotiated by the individual, who is now Vice-President of the United States, is declared to be formed for the preservation of the Mohegan nation ; provision is made in it for a permanent school fund, to be expended in the country now occupied by that nation ; and the intercourse-law of the United States is permanently pledged for the protection of the Mohegans against the whites.

In the war of 1812, the Mohegans sent a larger proportion of warriors than any State in the Union, according to their numbers, volunteering their services under the banners of the United States. They fought by the side, and under the orders, of the commander, who is now President of the United States. Some of their bravest and best men fell on the field of battle ; and those, who survived, were cheered and applauded as faithful allies, and generous disinterested friends, fully deserving the guaranty, which they had received.

The State of Massachusetts, however, importunately presses the United States to extinguish the Mohegan title. The legislature all the while acknowledges, that treaties must be made by the United States, before the title can be extinguished. The Governor of Massachusetts, in 1825, proclaims treaties with the Mohegans to be the supreme law of the land. The Representatives in Congress from Massachusetts, as late as the spring of 1827, leave upon the records a formal protest against a law, which assumed that a certain treaty with Indians was void on account of fraud. The reason assigned by these Representatives was, that a treaty was an instrument of so high a character, that rights vested immediately on its execution, and it could not be set aside, even by a subsequent treaty, and for manifest corruption.

In the mean time, while these treaties, and laws for their execution, were carried into effect with the universal acquiescence of the rulers and people of every State in the Union, the Mohegans were making rapid improvements in civilisation. The Secretary of War (Mr. Crawford), whom we will suppose to be an eminent citizen of Massachusetts, and afterwards the idol of that State, took the lead in promoting the best interests of the natives. He wrote an official letter to invite the co-operation of benevolent societies with the government in measures for the intellectual and moral improvement of the Indians.



From him the first impulse was received toward the support and establishment of schools, by the General Government, for the instruction of Indian children. Various efficient causes of improvement were in operation; and the Mohegans formed a regular republican government, upon the best models.

All these things were perfectly well known to the inhabitants of all the northern States. If a gentleman was travelling from Boston to Albany, he knew he was to pass through the Mohegan nation. He did pass through it. He knew when he crossed the limits. He saw the natives at work on their farms. He lodged at their houses. He visited their schools. He spent the Sabbath with them, and engaged with them in the most solemn ordinances of public worship. He read their newspaper, which was sent weekly into all parts of the United States. They told him what their relations with the United States were, and that they were accurately and minutely described in treaties. They added, that, in the execution of these treaties, white intruders had been repeatedly driven off, by the armed force of the United States.

The people of Albany, of Northampton, of Hartford, and of Rutland, came into the Mohegan nation, to witness the improvement of the Indian pupils; and the teachers returned these visits. All the people knew what the Mohegan nation was, and what its rights were, as solemnly guarantied by the United States. Not a State in the Union had its limits more exactly known, or its separate existence more positively guarantied.

But, while things were in this condition, Massachusetts suddenly resolves, in December, 1827, that she has waited long enough for the Mohegan lands; that, as she cannot get them by negotiation, she has a right to take them by force; that she will not resort to violence, however, till other means shall have failed; that the Mohegans never had any right to their country; that they are the tenants at will of Massachusetts; that their lands belong to her; that the King of England gave them to her two hundred years ago; and that she wants the Mohegan lands, and will have them. These things Massachusetts solemnly declares, before the world, in the year 1827, by resolutions adopted in both branches of her legislature; and she directs her governor to send a copy to the President of the United States, which duty was faithfully performed.

The next year, 1828, Massachusetts extends her laws over

the Mohegans; and annexes all that part of their territory, which lies within her chartered limits, to the counties of Franklin, Hampshire and Hampden. She enacts at the same time, that no Mohegan, nor any descendant of a Mohegan, shall be either a party or a witness in a court of justice.

These measures she follows up, in 1829, by enacting, that if any Mohegan chief shall attempt to prevent the people of the tribe from emigrating, he shall be liable to imprisonment four years; and if any member of the tribe shall endeavor to prevent any chief from selling the whole Mohegan country, he shall be imprisoned not less than four years, nor more than six years.

When the civilised world begins to express astonishment at these remarkable doings, Massachusetts bestirs herself to produce arguments in justification; and her arguments are these.

1. She alleges, that the American aborigines were in a state of nature, when New England was first settled from Europe, and men in a state of nature can neither be entitled to property, nor to the protection of law; from whence she infers, that the Mohegans may justly be driven from their patrimonial inheritance, although they are not in a state of nature, but have lived by her side under the protection of international and municipal law, for two hundred years.

2. She alleges that, according to Vattel, erratic tribes, savages in the hunter state, may be required to give up a *part* of their lands to their more civilised neighbors for cultivation; therefore the Mohegans, who are not an erratic tribe, and not in the hunter state, but herdsmen and cultivators, may justly be ejected from *all* their lands, which they have derived from their ancestors, which they have neither forfeited nor sold, and which have been guarantied to them for ever by the United States.

3. She says, that it is an established principle, that barbarians should yield to civilised men; and therefore the Mohegans, who are not barbarians; who have demeaned themselves peaceably towards the United States for the last forty years; who have learned to read and write; who have a printed language of their own, and send forth a newspaper weekly, shall leave their native land and seek a residence elsewhere.

Not appearing to be altogether satisfied with these reasons, Massachusetts says, that she is to be the only judge of her own limits; that she shall defend her exclusive right to her own territory; and that writers of pamphlets, and reviews, have

no business to meddle with her affairs : that, therefore, she is not bound by her assent to the constitution of the United States, which says, that the meaning and effect of treaties and laws are to be decided by the courts of the United States ; nor by her own compact of 1802, which admits the Indian title, and prescribes the manner in which it is to be extinguished, if extinguished at all. In short, she declares roundly, that she will interpret all her obligations for herself, without asking the opinion of any one ; or, in other words, that her present inclination is her only rule of duty.

*Mutato nomine, de te  
Fabula narratur.*

This rapid sketch of supposed history is a faithful exhibition of the actual conduct of Georgia ; though it is by no means so strong an exhibition, as a fuller statement would make it. How is it possible to doubt, that the south-western tribes of Indians, living on lands which they derived from their fathers, and within limits acknowledged and guarantied by the separate States and the United States, have a perfect original right, and a perfect right by compact, to the continued occupancy of their country, as long as they please to occupy it ?

Those who urge the removal of the Indians say, that such a measure would be greatly for their advantage. Our limits do not permit us to enter at large into this question of utility. If the Indians remove to better their condition, it is manifest that their removal should be voluntary. They should have time to consider the subject. No threats should be used. They should have abundant opportunity to examine the country, to which they are to be removed. The territory allotted to each tribe should be designated, and the title made clear. It should be rendered certain, that they can be protected in their new residence, from the encroachments of lawless whites. If all this can be done, and the Indians, with an intelligent regard to their own welfare, uninfluenced by threats, or bribes, or false statements, shall voluntarily remove, there is probably not a man in the country, who would object to it.

Before a reflecting and benevolent man will take the responsibility of advising the Indians generally to remove, he will examine the subject thoroughly ; and will gain satisfaction on several topics, some of which are the following.

In the first place, it should be ascertained, that there is good



land enough, at the disposal of the United States, for the accommodation of all the tribes to be removed. The land should not only be capable of cultivation ultimately, but should now be in such a condition, that Indians can live comfortably and contentedly upon it. But a large tract of territory, which would answer this description, must be extremely valuable hereafter; much more valuable, than the remnants of their hereditary possessions, to which some of the tribes are reduced, and to which others might consent to reduce themselves, if they could rest secure in the guaranty of the United States.

In order to be certain as to the quality of the land, and to what extent it is habitable, accurate surveys should be made by competent and responsible agents; and ample opportunity should be given to the Indians to explore their future habitation for themselves.

Again; it should be made to appear clearly, that the Indians are to enjoy security in their new place of residence. This can be done in no other way, than by showing, in the most decisive manner, that they are to be protected where they now are. If they cannot be thus protected, it is futile to talk about protection any where. If they may now be dispossessed of their original inheritance, because they are within the chartered limits of states, they may hereafter be driven from the lands which they shall receive as a grant from the General Government, because they will then be within the national limits of the United States. The General Government can do no more, in regard to securing a title to the Indians, than the several States have done repeatedly. If these engagements of States, sanctioned, and most solemnly guarantied, by the United States, prove utterly insufficient to protect the Indians, how can the acts of the General Government alone afford any solid ground of confidence? Constitutional scruples now exist in one shape. Twenty years hence they will exist in some other shape; and, in whatever shape they exist, they may be made the pretext for taking Indian lands, unless compacts are to be executed according to the intention of the parties, clearly expressed in the compacts themselves.

Beside a guaranty of territory, these Indian tribes, before they remove, should have good reason to rely upon the protection of the United States against mischievous white intruders. For various reasons, which there is not room here to specify, the emigrant Indians will be much more exposed to

renegados from civilised communities, than they are on the land of their fathers. The country to be allotted to the tribes, which shall remove, is much easier of access, than the present Cherokee nation. Steam-boats, with hundreds of intruders, can ascend the Arkansas into the heart of the Indian country. They will be allured thither by the money, which will be distributed for annuities, salaries, and rations. The victims of their rapacity will be numerous, and crowded together. The more easily the Indians yield to temptation, the less sympathy will be felt for them. The more protection they need, the less will they receive. Already, the emigrants, though comparatively few in number, experience these evils. The Cherokees of the Arkansas, who have removed only a hundred miles, have been terribly annoyed by dealers in whiskey since their removal. The reason is, that the emigrants were expected to receive a considerable sum of money from the United States, and greedy speculators were on the spot to profit by it.

If we may judge by a reference to the known principles of human nature, or by what has taken place already, we cannot suppose, that agents of the United States among the Indians will be men of sufficient virtue, intelligence, and public spirit, to make vigorous and persevering opposition to all the intrigues of self-interest ; and unless this is done, the emigrant Indians will be destroyed.

If all the preliminaries can be fixed to the satisfaction of the Indians, and of the disinterested and intelligent portion of the American people, a removal may properly be commenced. But even in this case, the process should be gradual. Let the first trial be made by a small tribe, with great caution, and under the most favorable auspices. If this should prove successful, the larger tribes would have more confidence in the plan, and the government and people of the United States would see the need, and the benefits, of continued caution and vigilance.

There is no need of haste. Indeed, there is no apology for it. One of the Senators of Georgia said in his place, towards the close of the debate on the Indian bill, that *Georgia had a very inconsiderable interest in this question.* The friends of the Indians knew this perfectly well before ; but they did not expect so distinct an avowal from such a quarter. One of the Representatives in Congress from Georgia, said, in private conversation, that *there is no necessity for removing the Indians.* No well-informed man can doubt the correctness of this re-

mark. How, then, can the people of the United States justify to themselves, or to the world, a course of measures, which is not called for by any exigency, which appears inconsistent with the most obvious principles of fair dealing, and which, as many of the best and wisest men among us fully believe, will bring upon the Indian tribes either a speedy or a lingering ruin, and upon ourselves the deep and lasting infamy of a breach of faith?

The volume of speeches before us is a most interesting one. Some of the discussions may appear dry to those, who are not accustomed to elaborate investigations. But there are passages of high eloquence in several of the speeches; and we may say, what can very rarely be said in a similar case, that not a single argument of a doubtful character is relied upon, in favor of the Indians. All the main positions are not defensible merely; they are absolutely unassailable. The book and the separate speeches should be extensively circulated.

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ART. VII.—*Studies in Poetry. Embracing Notices of the Lives and Writings of the Best Poets in the English Language, a copious Selection of Elegant Extracts, a short Analysis of Hebrew Poetry, and Translations from the Sacred Poets: designed to illustrate the Principles of Rhetoric, and teach their Application to Poetry.* By GEORGE B. CHEEVER. Boston. 1830.

If we may form a judgment of the estimate in which poetry is at this time held, from the general practice of the professors of the art, we shall certainly be led to believe, that its voice is as little regarded, as that of wisdom. All the great living masters of the lyre appear to have laid it by, in order to labor in a lower, though perhaps a more productive field. It is now about fifteen years since Scott, finding his poetical popularity on the wane, and doubtless a little dismayed by the portentous brilliancy of another ascending star, gave up all his powers to a different department of literature, with a vigor and success, that leave us little reason to murmur at the change. Campbell had forsaken the field much earlier, to employ himself in celebrating the merits of those, whom the world had reasona-



bly expected him to rival. The fine genius of Coleridge is bewildered in the dim twilight of his strange metaphysics; Southey, with untiring diligence, has explored almost every practicable path of prose, as he had previously left scarcely any thing unattempted in rhyme; and Moore appears to have devoted himself to the task of erecting monuments to departed genius. This general abandonment of poetry, on the part of those who have cultivated it with the greatest success, is rather singular; and seems naturally to imply, that it enjoys less of the public favor now, than has been accorded to it in former times. Such, in fact, is the opinion of many, who believe that the world is growing too busy and consequential to attend to such light matters; that the active spirit of the age demands excitement of a different and superior character; and that men would now hardly stop to listen to the notes of inspiration, even were they uttered by an angel's voice. In part, this opinion is probably well founded; but it should not be forgotten, that we are very liable to error in forming judgments, which result from a comparison of the tastes and dispositions of men at this day, with those of generations which are past. The present is before us, while the past is at best but very dimly seen; and a disposition to complain of the prevailing taste is by no means peculiar to our own times. Goldsmith remarked with ludicrous bitterness, that the world made a point of neglecting his productions; and Akenside declared, that his opinion of the public taste would be regulated by the reception of Dyer's 'Fleece;' but the one was in error as to the fact, while the other may be said to have been mistaken in the law. Even if the justness of these complaints be admitted, they would only prove, that the most delightful music is at all times heard with difficulty amidst the din and crash of the enginery of practical life. The spirit of poetry is still present with him who meditates at eventide; with the worshipper of nature in her solitary places; with the contemplative, in their high and lonely tower; with him who is rapt and inspired by devotion; and even if it be driven from the haunts of crowded life, it still speaks to the soul in tones as thrilling and divine as ever.

While we admit, that what is called the spirit of the age, though the phrase is too often used without any very distinct perception of its meaning, is not very favorable to the cultivation of poetry, we must at the same time make due allowance for the operation of another cause—the influence of perverted

taste. What else could induce men to welcome the inferior classes of romances, tales, and novels, which are hourly poured forth from the press in multitudes which no man can number? To what other cause can we attribute the reception of stories of fashionable life, written by those who are as little conversant with its recesses, as with the court of the Celestial Empire—and which, if the representation were perfect, could present no picture, on which the moral eye would delight to dwell? What but perverted taste could tolerate the audacious depravity of novels, which would fain teach us to look for the beatitudes in the person of the assassin and highway-robber—in which we are taught, that what men in their strange ignorance have deemed the road to the gibbet, is only the sure and beaten pathway to honor, and happiness, and successful love? A dark omen it will indeed be, if productions like these, on which the moral sentiment of the community ought to frown with deep, unequivocal, and stern indignation, shall permanently usurp the place of those, which minister to the desires of our nobler nature.

Upon looking back for a moment at the history of English poetry, we do not find many proofs, at any period, of a very just estimate of its object and excellences. To trace it beyond the reign of Edward III. is as hopeless, as the attempt to ascertain the course of the Niger; and whatever may have been the character of the earlier chronicles and romances, there is no reason to believe, that it was at all propitious to the influence and diffusion of correct taste. The genius of Chaucer, like that of his great contemporary Wickliffe, instead of being nurtured by the age, burst forth in defiance of it; but the hour was not yet come; and the poet's song was followed by silence as deep and lasting, as that which succeeded to the trumpet-call of the stern reformer. During the fierce civil wars, and until the reign of Henry VIII. there was no such thing as English literature. This was the period of the reformation and the revival of letters; yet it presents us with few names, which the lover of poetry is solicitous to remember. Love and chivalry have indeed given an interest to the melancholy genius of Surry, which is heightened by the recollection, that his unusual accomplishments were the only cause of his untimely and treacherous murder; but the poets of that time were little more than mere translators of the Italian; and Sir Philip Sidney, while defending poetry in general, is compelled

to acknowledge the inferiority of that of his own country during the two preceding centuries. But the age of Elizabeth may well be considered as the era of its revival. This was certainly a period of high excitement, and distinguished for a bold and animated spirit of intellectual activity. Sir James Mackintosh has called it the opening scene in the political drama of modern Europe ; it may, with almost equal justice, be denominated the opening scene of English literature. The splendid genius of Greece was just restored to the world ; the ' earthquake voice ' of the reformation had sounded through the vast of heaven ; and the mind had indignantly burst the chains of protracted and ignoble bondage. Every thing seemed propitious for the exhibition of freedom and vigor, in every department of intellect ; and in almost all, these qualities were signally displayed ; but with the exception of one venerable name, we find scarcely a single example of great excellence in any but dramatic poetry ; in which a degree of superiority was attained, which has thrown the efforts of succeeding ages completely into shade. It is true, that powers of a very exalted order are required for success in the higher class of dramatic compositions ; but we can hardly consider that period as very remarkable for poetical excellence in general, which affords scarcely an example of any other. This direction appears to have been given to poetical talent by the taste of the court, the influence of which upon literature was subsequently very great. In the present instance, that influence, so far as it went, was highly favorable : the only cause of regret is, that it failed to extend to other departments of poetry, which were then struggling into existence.

At this time, the influence of the Puritans began to be felt. They were a class, who are hardly to be judged by the same rules which would be applied to the characters of other men, in ordinary times ; and of whom it is somewhat difficult to speak in proper terms, either of praise or censure. We are not ashamed to say, that we look with admiration, and almost with awe, upon these stern patriots and martyrs ; ambitious, but to gain no earthly crown ; burning with enthusiasm, yet severe and immovable, as if inaccessible to human passion ; inflexible and haughty to man, because reverence was due only to the Most High ; despising all accomplishments and all learning, because they counted them as nothing, in comparison with religion and the word of God. But the state of feeling



and opinion, which it was their great purpose to maintain, was in some respects false and unnatural. While they labored to elevate the mind, the tendency of some of their efforts could be only to degrade it. They saw literature prostituted sometimes to unworthy purposes; and they straightway denounced it all as an abomination. One might almost forgive this prejudice, if it had been founded on the writings of those, who have been strangely denominated metaphysical, as if metaphysics were only another name for every species of extravagance. These Malvolios of English literature, of whom Donne was the common father, and Cowley the anointed king, contented themselves with corrupting what the Puritans were anxious to destroy. Their writings appear to us to be a vivid delineation of the intellectual character and taste of King James; who by a cruel insult to the wise king of Israel, has been sometimes called the English Solomon. They found the age pedantic; and they labored with eminent success to render it still more so. Never did poetry revel in such wanton extravagance and absurdity. With them, sighs were breathed in tempests; tears were poured forth like the universal deluge; love was nothing short of a *coup de soleil* beneath the tropics; pride was the temperature of the arctic circle; and a lover's heart a hand-grenade. It is sufficiently obvious, that the taste for this extravagance was not created by those who thus employed it; for the prose writings of some of them, of Cowley for example, are full of simplicity, grace, and beauty. Indeed, the mere existence of the metaphysical style is a sufficient proof, that if the readers of poetry at this time were not indifferent to it, they were at least not very scrupulous in their selections. The most exalted eulogies were lavished upon Cowley; and even Milton did not refuse to praise, what he disdained to imitate. Signs of a more correct taste began to be visible, in the languid smoothness of Waller, and the correct mediocrity of Denham; but with what surpassing glory does the venerable form of Milton appear in the midst of an age like this! His grand and melancholy genius was almost as far removed from that of his contemporaries, as his immortal subject was elevated above all earthly things. So far from being indebted to his age, he was both beyond it and above it; and it is hardly too much to say, that he would have been beyond and above any other in the history of man. It is no reproach to his own, that men heard his voice, and comprehended it not;

for what standard was there, among the poets of the time, by which they could hope to measure such elevation as his?

The stern rigor of the Puritans was at length followed by its natural reaction; and the literature of the age of Charles II. was a faithful transcript of the character of that degraded sensualist, and still more degraded king. It is easy to conceive, what the worshippers must have been in the temple of vice and folly, in which Sedley, and Etherege, and Buckingham, and Rochester, were chief-priests. 'The fools of David's age,' says Sir William Temple, 'those who have said in their hearts, there is no God, have become the wits of ours.' The personal character of a king is never without its influence, and in this instance it was all-powerful; but it was only for the purposes of evil. In the school of severe adversity, where the milder virtues are commonly taught, he had learned nothing but vice, disguised under the name of pleasure. Ridicule was the fashion of the day; and the subjects of that ridicule were all things that are venerable and holy. Depravity lost nothing of its evil, because it lost nothing of its grossness; it was tolerated in all its grossness, and adored in all its deformity. It was not surprising, that the want of just moral sentiment should be accompanied by the debasement of literary taste. Their tastes, as well as their fashions, were alike borrowed from the French, who returned the obligation by regarding England as a nation of barbarians. St. Evremond passed twenty years in England without acquiring the slightest knowledge of the language; while ignorance of the French language was regarded by the English as a greater crime than the violation of every precept of the decalogue. The worst defects of French literature were copied and exaggerated. Settle became a greater poet than Dryden, until the latter stooped from his mountain-height and the mid-day sun, to grovel in the dark recesses of a polluted theatre. The influence of a licentious court was visible also upon other minds; degrading powers which should have been devoted to high purposes, and repressing every display of natural feeling by a general chorus of ridicule and scorn.

In passing from this period to the beginning of the next century, we seem to be coming forth from the suffocation and gloom of the charnel-house to the fresh air and clear light of heaven. We shall have occasion presently to make a few remarks upon the characters of some of the most distinguished poets of that time; and we will only observe here, that we

have no knowledge of any period in English history, in which poetry was the object of more general regard, than it was from the beginning until the middle of that century. The circumstances to which we have alluded, furnish sufficient evidence that the popular taste has been often perverted; but they give no evidence of indifference in regard to poetry, like that which is believed to prevail at this day. We call the present an age of great intellectual excitement; of keen and restless enterprise; and of deeper insight into hidden mysteries, than any of which the record has yet come down. Why then should the purest and not the least elevated department of intellect be regarded with coldness and neglect? The true object of poetry is to subject the senses to the soul; to raise the mind above all low and sordid purposes, and to fix its desires upon things which are honorable and high. If we receive it with indifference and scorn; if we refuse to listen to its voice, the loss is ours; we are casting away the surest means to lift our thoughts from the dust—the noblest instrument to elevate and purify the heart.

The moral tendencies of English poetry are such, on the whole, as the friend of virtue has much reason to approve. There have certainly been ominous examples of the degradation and perversion of exalted powers; but the waters of oblivion have already closed over some, and will sooner or later overwhelm the rest. It is idle at this day to say any thing of the moral influence of Chaucer; we might as well enlarge upon the absurdity of the Koran. Spenser, however, continues to be read, though not, we apprehend, by a large class of readers. There is abundant reason to regret, that the tediousness of the allegory, which constitutes the story of the 'Fairy Queen,' should have withdrawn from it the public favor; for it is the production of a mind overflowing with rich and powerful thought, and a fancy full of all delightful creations—the beautiful *ideal* of chivalry, when chivalry was only another name for a combination of all the virtues. The poet appears to have forsaken this lower sphere, to hold communion with superior beings; and how could it be expected, that the friend of Sidney and Raleigh—those brightest spirits of an age not wanting in generous and lofty ones—should be insensible to the influence of their romantic sentiment, as it was illustrated and personified in the moral beauty of their lives? It was their influence by which he was led to devote himself,



not to the study and description of man as he is, but as romance and chivalry would make him. It was this, which induced him, instead of producing a grand historical picture, to which his powers were more than adequate, to execute fancy-pieces only—glowing indeed with richness and beauty, but deficient in the interest and life, which such talent, employed upon more propitious subjects, could not fail to bestow. He chose a department, in which many have failed, and in which scarcely any one but John Bunyan has succeeded; and how much of his power is to be attributed to the awful realities of his subject! Still, it is the praise of Spenser, that he consecrated his delightful harmony, his beautiful, and not unfrequently sublime description, and all the creations of an imagination of unrivalled splendor, and of invention almost boundless, wholly to the cause of virtue. Would that the same praise were equally due to his far greater contemporary! But Shakspeare wrote apparently without any moral purpose; he took the tales which ancient chronicles afforded him, or chance threw in his way, and by his inspiration he created a living soul under these ribs of death. If they gave him a moral, it was well. Now, we hear strains which seem to flow from a seraph's lyre; presently, those which the depths of vulgarity could hardly essay to rival. Moral dignity and disgusting coarseness, the loftiest sublimity and the lowest grossness, are occasionally blended together like the hovels and palaces of a Russian city. Ingratitude is denounced (and how denounced!) in the heart-rending agony of Lear; the dreadful penalty of guilty ambition and the keen anguish of late remorse are displayed with terrific power in Macbeth; while in Hamlet we see only a spirit crushed and broken beneath a burden which it cannot bear—faithful to duty, but over-mastered by the consciousness, that fate has imposed upon it a duty beyond its ability to do. But who can point us to the moral purpose of Romeo and Juliet, or the Merchant of Venice, or of Cymbeline? The heart, with all its high aspirings, its guilty depths, its passions, its affections and its powers, was laid full and open to Shakspeare's view; all the elements of incomparable genius, and every divine gift, were imparted to him with a liberality hardly ever vouchsafed by Providence to man before; but he looked upon man and nature without looking beyond them to the God of all; and thus the mind which was formed for all succeeding ages, and compounded of all imaginable

glories, astonished, instructed, overawed, and delighted men, without making them better. It is presumptuous to say what Shakspeare might have been, when human eloquence can hardly adequately tell what Shakspeare was ; but we believe that he was too often induced by a fancied necessity to sacrifice his own superior thoughts to the influences of an age which 'thought no scorn' of grossness, such as would sicken the purer, though not fastidious taste of ours. The descent was not wholly nor always voluntary ; though the gratification of minds as far below his own as the sparrow's is lower than the eagle's flight, can hardly excuse the aberrations of an intellect like his.

The moral influence of the drama has not in general been of the most exalted kind. The reason of this is not that it is incapable of being rendered full of instruction ; or that it is in its nature at all inferior in this respect to any other description of poetry. On the contrary, there is perhaps no form of composition in which the most elevated lessons can be brought more directly home to the heart—none in which those sentiments, by which our minds are said to be purified, can be more impressively or forcibly displayed. It may thunder forth its warnings and threatenings with the awful energy of inspiration ; it may utter the burning accents of intense and overwhelming passion ; it may allure or terrify us with the solemn persuasion of real and living example. In these respects, it occasionally goes beyond other poetry as far, as the quivering muscles, the distorted features and the convulsive agony of the victim of actual torture may be supposed to afford a more vivid idea of suffering, than the marble Laocoon. The evil is, that in holding the mirror up to life, it reflects all the images towards which its surface may chance to be directed. In the sister, but inferior arts of painting and sculpture, the human form is represented, not with its blemishes, not in its deformity, but with something of the purity of ideal perfection ; and thus the representations of poetry, so far as respects their effect, should be adapted to the desires of the mind ; they should present us, not with that which may sometimes be, for that would excuse all possible grossness ; but in humble imitation of the obvious system of Providence, they should labor to exhibit virtue in all its loveliness and beauty, without throwing an unnatural gloss and attraction over sensuality and vice. How often have men forgotten, that the only true object, and all the real dignity of

literature are lost sight of, when it is designed to charm only, and not to elevate ! It may be said, that the purpose of the dramatic writer is to please, and his productions must therefore be adapted to the taste of his judges ; but the cause of any fault can hardly be pleaded as its apology.

Passing over the dramatic writers, we come again to Milton. He stood apart from all earthly things. He may be likened to that interpreter of the mysterious things of Providence, who sits in the bright circle of the sun ; while Shakspeare resembles rather the spirit created by his own matchless imagination, which wanders over earth and sea, with power to subdue all minds and hearts by the influence of his magic spell. The poetry of Milton is accordingly solemn and dignified, as well becomes the moral sublimity of his character, and the sacredness of his awful theme. His mind appears to have been elevated by the glories revealed to his holy contemplation ; and his inspiration is as much loftier than that of other poets, as his subject was superior to theirs. It is superfluous to say, that his moral influence is always pure ; for how could it be otherwise with such a mind, always conversant with divine things, and filled with the sublimest thoughts ? Yet it has been sometimes said, that the qualities with which he has endued that most wonderful of all poetical creations, the leader of the fallen angels, are too fearfully sublime, to be regarded with the horror and aversion, which they ought naturally to inspire. He is indeed invested with many sublime attributes ;—the fierce energy, unbroken by despair—the unconquerable will, which not even the thunders of the Almighty can bend ;—but these qualities, though they may fill us with wonder and awe, are not attractive. His tenderness is only the bitterness of remorse, without end and hopeless ; his self-devotion is only the result of wild ambition ; and a dreadful retribution at length falls upon him, ‘ according to his doom.’ In this exhibition of character, there is undoubtedly vast intellectual power, but there is nothing redeeming—nothing which can win the soul to love. We dread the effect of those delineations, in which crime, from which nature recoils, is allied to qualities, with which we involuntarily sympathise ; such portraits are of evil tendency, because though unnatural, they are still attractive ; but great crime frequently supposes the existence of imposing traits of character, which may excite admiration, without engaging sympathy. We are interested in Conrad, because his fierce and gloomy spirit is



mastered by the passion, which masters all;—because in him it is deep and overwhelming, yet refined and pure—like the token, which restored the repenting Peri to Eden—the redeeming and expiatory virtue, which shows that the light of the soul, however darkened, is not extinguished altogether—and we do not ask, how purity and love can find their refuge in a pirate's bosom—we do not remember, that they could as hardly dwell there, as Abdiel among the rebel host. Not so the ruined Archangel. In him all may be grand and imposing, but all is dark, stern, and relentless. If there be aught to admire, there is at least, nothing to imitate. Through all the writings of Milton, there reign a loftiness and grandeur, which seem to raise the soul to the standard of his own elevation. The finest minds have resorted to them for the rich treasures of eloquence and wisdom; and they might also find in them the more enduring treasures of piety and virtue.

We have already found occasion to offer some remarks upon the literature of the age of Charles II. It is a subject, on which we have little inclination to dwell; but it is with sorrow and shame, that we see the influence of such an age exhibited upon a mind like that of Dryden. They drove him to devote powers intended for nobler purposes, to gratify the polluted tastes of a shameless court; and, by a just retribution, his dramatic compositions can hardly be said to have survived him; not one of them is at this day acted, or generally read. We see him first, embalming the blessed memory of the Lord Protector,—then, exulting in his Sacred Majesty's most happy restoration,—next, fabricating rhyming tragedies to gratify the French prejudices of a king, who was not ashamed to become the pensioner of France, or lascivious comedies to minister to the grovelling inclinations of the Defender of the Faith—presently, descending like one of Homer's deities, to the field of political and religious controversy. Thus the intellect, which was formed to illuminate the world, was quenched in the obscurity of low or temporary subjects; thus, with power to become a great reformer, he chose to follow in the track of vulgar prejudices; instead of asserting his just rank as a sovereign, he made himself a slave; and the result is before us in the fact, that his reputation is now almost wholly traditional, and would hardly be known otherwise, but for the noble Ode for St. Cecilia's day. We are not insensible to the unsurpassed excellence of his versification, or the blasting power of

his satire ; but the traces of elevated moral sentiment and of admiration or even perception of the grand and beautiful in nature and in character, are rarely to be discovered in his writings. Perhaps he was cautious of displaying what must have excited the immeasurable contempt of the wits by whom he was surrounded.

The beginning of the last century was distinguished by the genius of Pope ; of whom nothing can now be said, that has not frequently been said before. There are still many, who persist in denying his title to the honors of the poetical character, with a zeal, which nothing but the ancient penalties of heresy will be able to subdue. If, however, he has been assailed by Bowles, he has found no vulgar champions in Byron and Campbell ; and if he were living now, it would doubtless, in the language of Burke, ‘kindle in his heart a very vivid satisfaction to be so attacked and so commended.’ It is not easy to believe him to have been the least among the poets, who could shoot with such unequalled brilliancy into the upper sky, while Addison was still in the ascendant, and when the star of Dryden had hardly yet gone down. Nature was not perhaps always regarded by him with a poet’s eye ; for it seemed then, as if she was to be abandoned to pastorals ; as if one might scarcely venture to go forth into the country, without arming himself with a shepherd’s crook. But he was the poet of manners and of social life ; and it is not the smallest of his merits, that he made poetry familiar to thousands, who had never felt its influence before. The tendency of his writings is precisely what might be expected from a knowledge of his character—a character, of which Johnson, whose praise issues forth like a confession extorted by the rack, is compelled to speak in general with commendation. Early and unrelieved infirmity rendered him irritable, while the unbounded admiration which was so profusely lavished upon him, made him vain ; and both these qualities are abundantly exhibited in some of his writings, where the sins of his enemies are visited upon those who had never offended him, and character is wantonly invaded, apparently with the sole design of displaying his extraordinary power. In some instances, he aims to rival the unapproachable vulgarity of Swift ; but the wit is a poor atonement for the grossness.

The Rape of the Lock was denounced by the frantic criticism of Dennis, as deficient in a moral ; while Johnson, with

his usual politeness, thought no moral more laudable than the exposure of mischiefs arising from the freaks and vanity of women. It is obvious enough, however, that Pope, except in the *Essay on Man*, and perhaps in his epistles and satires, had rarely any moral purpose in his view ; but it would be difficult to defend the morality of the verses to the Memory of an Unfortunate Lady, or of some of his imitations of Chaucer. We are often told, that satire is a powerful auxiliary of truth ; and there is no doubt, that even while indulging in the gratification of personal resentment, or any other equally ignoble passion, the satirist may promote that cause, by his denunciations of vice and folly ; though the effect will certainly be diminished by the meanness of the motive. But he is too apt to grow so warm in the cause, as totally to overlook the higher object, in his zeal to overwhelm an adversary, or to take vengeance upon the world, for the fancied neglect or injury of a single individual. In addition to this, he is often seduced by the popularity which is sure to attend invective against some fashionable vice or folly, of which the succeeding age retains no traces ; so that the fashion and the reproof soon perish together. His object may be a laudable one, though it will be far less important, and far less lasting in its effect, than it would be, if he should expose vice and imperfection as they exist universally, and at all times. The satires of Donne are now forgotten, notwithstanding the rich drapery which Pope thought fit piously to throw over his old-fashioned and somewhat ragged habiliments. Those of Dryden—as we have already intimated—were founded upon subjects of local or temporary interest. His *Absalom* and *Achitophel* was levelled at a faction, which soon experienced the fate of all other factions ; his *Medal* was written upon the occasion of Shaftesbury's escape from the fangs of a grand jury ; and his *Mac Flecknoe*, for the laudable end of exterminating his successor in the Laureate's chair. Young is less liable to this objection than any other English satirist ; but great as was his popularity in his own day, his *Universal Passion* has sunk into obscurity. The *Vanity of Human Wishes*, and *London*, are the effusions of a nervous and powerful mind, more strongly tinctured with misanthropy and indignation, than with sound philosophy. In our own times, we have seen Gifford marching forth with the port and bearing of Goliath, against a host of butterflies, who naturally enough took wing, at the din and fury of his onset ; and we have seen Byron also,



visiting the coarse malignity of a single reviewer upon all his literary brethren, with a wantonness and injustice, which he was himself the first to regret. We may thus perceive, that if satire be the instrument of virtue, it is so often borrowed for other purposes, that virtue is not always able to employ it for her own; and when those other purposes have been accomplished, the benefit—if there be any—is not permanent. The artillery may remain, but the foe has vanished. Some of Pope's satires are of universal and lasting application; but the *Dunciad* is little better than a monument of wrath, erected in memory of departed and forgotten dunces.

The English poetry of the last century was, upon the whole, more elevated in its moral tone, than that of any former period. It may be considered as a cause as well as an evidence of this superiority, that some of the most eminent writers at its commencement, who exerted a powerful influence over public taste and sentiment, were men of pure and unquestionable character. Addison was then at the meridian of his stainless fame. He had taught the world a lesson which it was too slow to learn, that the attractions of wit and eloquence may gracefully be thrown around truth and virtue; and that in order to become a good and popular writer, it is not indispensably necessary to be an atheist and blasphemer. If he is deficient in the vigor and power of some of those who went before him, it should be remembered, that the character of his works was not in general such as essentially to require, or to afford very full opportunity for the display of either. His main intention was, to describe life and manners; to apply the force of ridicule to the foibles and follies, as well as to the faults and vices of social life; to present truth and morality in alluring colors, to those who had been previously disgusted at its stern and repulsive aspect; and it cannot be doubted, that as far as the influence of a single mind could go, this object was successfully accomplished. The same praise is equally due to Richardson, whose name seems now to be better known and more respected in other countries, than in his own. One who is led by curiosity to read his novels, though he cannot fail to read them with interest, and to admire the purity of the sentiment and the vivid delineations of passion, can yet hardly form a conception of their popularity when they first appeared. Addison taught the intellect and fancy, and Richardson the passions, to move at the command of virtue; the influence

of both was great and extensive over the sentiments and taste of others ; and we cannot but think, that much of the superiority of the period immediately succeeding that in which they lived to that which preceded, in refinement and delicacy at least, if not in morality, is to be attributed to the example which they gave. It is true, that the essentially coarse and vulgar minds of Fielding and Smollett, abounding as they did in humor and vivid powers of describing life and character, did much to weaken the impression which Richardson had made ; nor was it owing to any want of effort, that they failed to corrupt moral sentiment completely. But they were not successful ; and any one who will turn to Southey's *Specimens of the later English Poets*, (we cannot find it in our hearts to ask a fellow-creature to read them through,) will be surprised to find in how few instances morals and decency were disregarded or outraged by the poets, small and great, of any part of the last century. It is impossible to speak of any considerable portion of them at length, nor is it necessary. We will barely advert for a moment to three of them, whose writings are at this time more generally read than those of any of the rest. It may here be observed, however, that this period embraces very many names, particularly in the earlier part of it, of which England will long continue to be proud. With all its variety of excellence, there is little that savours of copyism or of affectation. What can be more unlike, than the mild sweetness of Goldsmith, and the gloomy magnificence of Young ; the gentle pathos of Collins, and the homely strength of Johnson ; the classical elegance of Gray, and the native simplicity of Burns ?

There are few who do not love to contemplate the two great masters of descriptive English poetry, Thomson and Cowper ; with whom we seem to converse with the intimacy of familiar friends, and almost to forget our veneration for the poets, in our love and admiration of the virtues of the men. Both had minds and hearts which were touched with a feeling of the beauty, and fitted to enjoy the influences of nature ; and the poetry of both was elevated if not inspired, by religious veneration of the Great Author of the grand and beautiful. The view of Thomson was bold and wide ; it comprehended the whole landscape ; he delighted to wander by the mountain-torrent, and in the winter's storm ; and it seemed as if the volume of nature was open and present before him. It is not so with Cowper. His lowly spirit did not disdain the hum-

blest thing that bore the impress of his Maker's hand ; he looked with as keen an eye of curiosity and admiration upon the meanest flower of the valley, as upon the wide expanse, glittering in the pure brilliancy of winter's evening, or bright with the dazzling glory of the summer noon. He made the voice of instruction issue from the most familiar things, and invested them with beauty, hourly seen, but never felt before ; and he painted them all with the pure and delightful coloring of simplicity and truth. Who is there, but must wish, that Burns had held communion with such minds, and resorted to the fountain of their inspiration ? We know not that he was inferior to either in quickness to feel, or power to describe, all that is bright and alluring in nature or in the heart ; but there is something startling in the dark and fierce passions which overshadowed his better nature ; in the wild and reckless blasphemy, by which he insulted man, and defied his God ; in the stunning notes of that frantic debauchery, by which he was at length mastered, and brought down to the dust. The feeling of devotion steals upon him, like the recollections of earlier and happier years ; love, pure and disinterested love, subdues sometimes the fury of his soul to gentleness and peace ; his proud and manly spirit appears sometimes to burst its fetters, and restore the wanderer to virtue ; but the effort is over, and it is vain. He sinks into the grave, friendless and broken-hearted, and his example remains, like a light upon a wintry shore, whose rays invite us, whither it would be death to follow.

We are unwilling to enumerate Rogers and Campbell among the poets of the last century, though the great works of both were published before its close, and though the latter part of it is so far inferior to the first, in the number of its illustrious poetical names, as to require some such addition to the list. The sweet music of both is associated with our most pleasing recollections. The lyre of Rogers resembles an instrument of soft and plaintive tone, which harmonises well with the memory of our early days ; that of Campbell is no less sweet, but deeper and more powerful, and struck with a bolder hand. Both are in strict and constant unison with virtue. Indeed, with one or two ominous exceptions, it is delightful to perceive the moral beauty of the poetry of this age in general. Moore, it is true, is an old offender. He appears to have composed the lascivious prettinesses of his youth much in the same man-



ner, as the unfledged votaries of fashion affect the reputation of grace and gallantry ; and we occasionally find symptoms of love-making in his verses now, which it is high time for a person of his years and discretion to have done with. It is the recollection of these, which goes far to diminish the pleasure with which we should otherwise welcome his sacred and lyric song. But what shall we say of Byron, riven and blasted by the lightning of his own relentless passions—hurried onward, often against the persuasion of his better feelings, as the sailor's bark in the Arabian tale is dashed by some mighty and mysterious impulse, upon the fatal rock? The light that was in him became darkness; and how great was that darkness! His example, we trust, is destined rather to dazzle than to blind; to warn, but not to allure. We do not now remember any other high examples of this moral delinquency. In Wordsworth, we see a gentle lover of nature, always simple and pure, and sometimes sublime, when he does not labor to give dignity to objects which were never meant to be poetical. Southey's 'Gorgons and Hydras and chimeras dire' are well-trained; and the minstrelsy of Scott is of a higher strain than that of the times of which he sung.

Literature, in reference to its moral tendency, is of three kinds; one of which is decidedly pernicious; another, indifferent in its character, being neither very hostile nor very favorable to correct sentiment; and a third, decidedly pure and happy in its influence. By far the greater part of English poetry appears to us to belong to the last of these classes; but there are portions, and considerable portions too, which belong to both of the others. We seem hardly to have a right to claim, that it should always be actually moral; and yet the writer, who forgets this object, forgets one of the great purposes for which his talent was bestowed. There is another error for which poetry is responsible—that of presenting false views of life. Most young poets are as desperately weary of the world, as if they had traversed it, and found it all vanity. We learn from a high authority, that misery is the parent of poetry; but we should be led to believe, from the tone of many of our bards, that poetry is the parent of misery. Young proposed to draw a correct picture, in his *True Estimate of Human Life*. He published that part, which represented it in eclipse; but the bright side was unhappily torn in pieces by some lady's misanthropic monkey. In his *Night Thoughts*, life

is painted in no very alluring colors ; but the sunbeam breaks through the dark masses of the cloud. We do not complain of the satirists for this ; for such is the very end of their vocation. The views of life which every writer presents, will be colored in some degree by his own circumstances, and state of feeling ; but we suspect, that the most melancholy poets have not in general been the least inclined to enjoy the world in their capacity of men, and that they have often drawn more largely from imagination than experience. This fault, however, is not a very common one among English poets of the highest order. All their faults, indeed, are few and small in comparison with their great and varied excellences. We regard it as an extraordinary fact, that so little attention has been paid to English literature in general, by those who must be considered most competent to understand its value. Our systems of education make our youth familiar with that of early ages, and of other nations ; an acquaintance with it is considered indispensably necessary for every gentleman and scholar ; while little, comparatively very little, has been done to acquaint us with that which we may call our own, at the period of life when the heart would most deeply feel the beauty, and the ear be most sensible to the music of the ‘ Lowland tongue.’ Until recently, no provision whatever has been made in our literary institutions, either to turn the attention of the student towards it, or to guide him in his voluntary inquiries. In our schools, English poetry has been employed as an exercise for teaching boys to read, from time immemorial ; but nothing has been said or done to induce the pupil to believe, that the poetry was originally written for any other purpose. Now, without undervaluing the literature of other countries or of antiquity, we believe, that the business of education is only half accomplished, so long as our own literature is neglected. Within a few years, a better spirit has been visible ; but we are not yet acquainted with any treatise upon the subject of English literature—any critical examination of its merits. The field is a broad one ; and we trust, it will not long be justly said, that its treasures are within our reach, but that we have neither solicitude nor even inclination to gather them.

We are pleased with this volume, both because it offers an indication of a growing interest in the subject, and because the tendency of such works will be, to excite attention towards it. Mr. Cheever’s selections in general afford evidence of

correct judgment and cultivated taste. We should hardly, however, have extracted the poetry contained in the Waverley novels, in order to give the most exalted idea of Scott's poetical genius; or have given the 'Soldier's Dream,' as one of the best of Campbell's smaller productions; and we think that in his selections from Southey and Moore, the compiler might have drawn more largely from the earlier writings of the one, and the Irish Melodies of the other. Nor can we readily admit the equity of the rule, which allows to Graham and Bloomfield twice the space which is allotted to Pope. But these are small blemishes; and, after all, it is by no means certain, that readers in general will not approve his taste, at the expense of ours. The selections from most of the poets, are accompanied by well-written and discriminating sketches of the characteristics of their style. On the whole, though the compilation is stated to have been made for the use of the young, it is one, which persons of mature age may read with pleasure and advantage.

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ART. VIII.—*An Epitome of Universal Geography, or a Description of the Various Countries of the Globe, with a View of their Political Condition at the Present Time.*  
By NATHAN HALE. Boston. 1830.

The author of this work is already known as a geographer by his excellent Map of New England and by several other valuable contributions to the science. It is understood that he has been employed for some years past in collecting materials for a more extensive work. The present publication has been looked for with a good deal of interest, and we think that it will fully satisfy the general expectation. It is a compendium intended principally for the use of schools, and better fitted for its purpose on several accounts than any other with which we are acquainted. The facts are selected with care and judgment, and stated with the well-known accuracy and exactness of the author. The political and historical parts are brought down to the present day, and include a notice of the most important events and arrangements of recent date in Europe and Spanish America. The mode of distributing the materials is, in our opinion,



the best for the object in view. The work is accompanied by a list of questions, which facilitate the use of it to the instructor and the pupil.

In addition to its other recommendations, this compend includes a much greater number of maps than any one that has yet been published. This advantage has been obtained by the application of a new method of printing maps in the stereotype form, invented and patented by the author, and of which some specimens have already been given to the public in the *Boston Daily Advertiser*. By means of this method, our author has incorporated the maps into the body of the work, and thus at once facilitated the use of them, and enabled the student to economise more than half the expense, which has hitherto been necessary for the purchase of school-books in this department. The price of the volume is the same with that of the abridgements now in use, or a dollar, and as these require to be accompanied by an atlas, which costs, in the cheapest form, at least, a dollar and a quarter, the purchaser will be relieved from this additional charge, and will possess a collection of maps three or four times as large as that contained in a common atlas. This circumstance alone will, we think, be sufficient to introduce the work into general use in schools, and will give it an advantage over most of those that have lately been published of a similar description.

We have remarked above, that the method of distributing his materials, which has been adopted by Mr. Hale, and is in substance the same with that employed in the most approved preceding treatises, appears to us to be the best for the object in view. We are aware that some geographers of merit and reputation have lately adopted a different one, and instead of placing under the head of each particular country all the facts and materials that serve to illustrate its geography and history, prefer, for the basis and substantial part of their works, a more general arrangement, which is intended to give at once a complete view of the whole surface of the globe in reference to each of the ordinary divisions of a chapter. Thus instead of stating under the head of *France* and the *United States*, that these countries are situated in a temperate climate, they make a distinct head of *climate*, and class together under or according to their respective varieties of temperature all the different regions of the globe; and so of the other divisions. This system, though useful perhaps for certain purposes, is not, we think, so well

adapted for young students as the one in common use. The great object in practical geography is to connect with the names of the different states and kingdoms of the globe the largest possible number of statistical, political and historical details, in order that when we meet with the name of any country in reading a book or a newspaper, we may immediately have before our minds the most important facts that are generally known or necessary to be known respecting it, or if we have not them already, may know at once where to look for them. This object is best accomplished by distributing the materials under the heads of the different countries, and thus making the name of each the key or index, which naturally suggests those belonging to it to the memory. For the merely scientific purpose of studying geography on the largest scale, the other arrangement might perhaps be preferable, although it is liable even for this purpose to the objection that it leads almost unavoidably to continual repetition, which, by swelling the size of the book, occasions of course a proportional expense to the purchasers.

Although we do not frequently notice works of a merely elementary description, we have felt it our duty to make an exception to our general rule on this occasion; and we do it with the more pleasure in favor of a writer to whom the readers of this journal are indebted for several interesting articles on subjects connected with geographical and statistical science. The work before us is intended immediately for the use of schools; but from its great accuracy and the care with which the materials have been compiled, will also be found for other purposes a very convenient manual.

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ART. IX.—*Speeches made in the Senate of the United States, on occasion of the Resolution offered by Mr. Foot, on the Subject of the Public Lands, during the First Session of the Twenty-first Congress.*

The debates of a deliberative body, under a free government, are not always intended to settle particular points or despatch single matters of business, by a close discussion; but very often to produce general impressions, by a free interchange of thought, on a great variety of topics. The debates in Congress are complained of,—we have made the complaint

ourselves,—as unreasonably long, discursive, and wanting pertinence to any matter in hand, which is to be decided, in the result of the debate, or influenced by the mode, in which it is conducted. But the instance now before us will sufficiently illustrate the fact, that a debate may possess the highest interest and really be of great importance, although it may be hard to tell what the subject is, or whether it has any subject.

Till the administration of Mr. Jefferson, it was the custom for each House of Congress to return an answer to the speech of the President, delivered at the opening of the session. In imitation of the British Parliament, from which also the practice of answering the speech was borrowed, it was usual to make this answer the occasion of a miscellaneous debate, on the general policy of the administration. This debate would naturally be as various in its topics, as the message of the President; and be likely to cover at least every contested point of public policy. In this way a debate arose, at the beginning of several sessions of Congress, previous to Mr. Jefferson's administration; which, as no particular point was at issue, and no specific legislative measure in discussion, may have been thought to be a waste of public time, or regarded perhaps as an occasion unnecessarily furnished for drawing into controversy the measures of the executive. By changing the form of the annual communication, from that of a speech to that of a message, the necessity of an answer was precluded. It would also appear, from Mr. Jefferson's letter to Congress, accompanying his message and announcing the change proposed to be made, in the practice of the executive, that there were some circumstances of convenience in Philadelphia, attending the personal communication to Congress of the presidential address, which did not exist in Washington.\*

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\* As this is a matter, not without interest in the parliamentary history of the country, we subjoin Mr. Jefferson's letter.

*' December 8, 1801.*

*' Sir,—*The circumstances under which we find ourselves at this place, rendering inconvenient the mode, heretofore practised, of making by personal address the first communication between the legislative and executive branches, I have adopted that by message, as used on all subsequent occasions, through the session. In doing this, I have had principal regard to the convenience of the legislature, to the economy of their time, to their relief from the embarrassment of immediate answers on subjects not yet fully before them, and to the benefits thence resulting to the public affairs. Trusting that a procedure founded in



Whatever were the motives, which dictated this change, (an advantageous one upon the whole,) it was wholly nugatory as a measure to suppress miscellaneous debate. The very nature of a representative government, and of free parliamentary bodies draws with it, as we have just intimated, the necessity of such debate. The utmost that can be done, by usage or parliamentary law, is, to impose some slight restraints on the times, at which it may arise, and the extent to which it shall be carried. The very session, when this change took place, in the mode of communicating the executive address, witnessed one of the most discursive political debates, that had ever arisen in Congress, that on the Judiciary. In the history of the session, it is said,

‘From this period, the debate assumed the harshest features of party antipathy and prejudice. Few of the following speakers confined themselves to the merits of the question, while many entirely lost sight of them, in the vehemence of their feelings. Whatever of prejudice or of truth, that related to the past, present, or expected measures of the Government, was liberally and tiresomely repeated, until the patience of the House, apparently exhausted, no longer brooked delay.’

And after recording the final vote, on the passage of the bill, this writer adds, ‘thus ended this gigantic debate.’\*

We have on a former occasion,† considered somewhat at length the circumstances, which give a character to the style of debating in Congress, and will only here repeat the idea, that no effectual limits can be put to the number and length of the speeches, but those, which arise from press of business. Toward the close of each session, much important business passes through its final stages, with very little debate. In proportion as the business of the Union to be transacted by Congress increases, the pressure will begin to be felt earlier in the session; and the days and weeks now wasted on unimportant

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these motives will meet their approbation, I beg leave through you to communicate the enclosed message, with the documents accompanying it, to the honorable the House of Representatives, and pray you to accept for yourself and them the homage of my high respect and consideration.

TH: JEFFERSON.

The Honorable the Speaker of the House of Representatives.’

\* History of the last session of Congress, which commenced December 7th, 1801. p. 70.

† North American Review for October, 1827. Art. VIII.

topics, at its commencement, will be redeemed to assiduous legislation.

The debate in the Senate of the United States, at the last session of Congress, was every way remarkable; and for the importance of the nominal subject under consideration, the wide range of the general discussion, the number of the speakers, the ability of many of the speeches, and the transcendent power of that, which gives the chief notoriety to the debate, stands unsurpassed in interest, in our parliamentary annals. It would be foreign from the character of this journal, to take sides in those parts of this discussion, which were of a partisan character; but having from the foundation, devoted a portion of our pages to the discussion of very grave topics of elementary politics and constitutional law, we have judged it not improper to submit to our readers, those views, which have presented themselves to us, in the general reconsideration of this controversy. It would perhaps be self-deception to say, that we do this, *sine irâ aut studio, quorum causas procul habemus*; but, if we do not mistake ourselves, we do it with feelings, whether of favor or aversion, far beyond the range of ordinary party excitement; feelings chastened with the most solemn persuasion, that the welfare of this country, the happiness of our children to the end of time, and the cause of free government and liberty, throughout the world, are at stake, in the decision of the controversy carried on during the past winter in the Senate of the United States.

The occasion which led to the debate,—its ostensible subject,—is one of importance undeniably great, and on this we shall first say a few words. It is calculated, that the entire superficies of the States and Territories organized into the Federal Union, and of the vast region west of them to the Pacific, subject to the Federal Government, amounts to more than fourteen hundred millions of acres. Of this vast extent of country, the ultimate right of soil to one thousand and sixty-five millions of acres is still vested in the United States,—while the superficies of the States and Territories, as owned by the States or their citizens, amounts to less than three hundred and fifty millions of acres. It is true that, at present, these three hundred and fifty millions of acres, in which the United States have no right of soil, are geographically and physically of vastly greater importance than the thousand millions, which constitute the public domain. But with every year, or rather with every

hour, the relative importance of the two portions of the country is changing ; and when it is considered that within the portion, of which the right of soil is in the United States, are comprehended a large part of the States of Alabama and Mississippi, and a very great portion of Indiana and Illinois, east of the Mississippi, and almost the whole of the region west of it ; it requires no very prophetic spirit to perceive, that whether surveyed in its economical or its political connexions, this question of the public domain of the country is prodigiously momentous.

There is a circumstance too, which makes it as delicate as it is important. There are about one hundred and seventy millions of acres of this land (including that to which the Indian title has not been extinguished) in the States of Ohio, Indiana, Illinois, Mississippi, Alabama, Louisiana, and Missouri ; and there are about eighty-five millions of acres (also including those to which the Indian title has not been extinguished) in the territories of Arkansas, Florida, and Michigan, which territories will in the course of time, no doubt, become members of the Federal Union. In this way, we see, that immensely large portions of public domain are included within the limits of the state sovereignties. This circumstance will eventually give to the question of the public lands an interest not less commanding, than that possessed by the question of the Indians at the present day. Some of the States have advanced the claim, that the State Governments have a jurisdiction unshared by the United States, over all persons living within their boundaries ;\* and the President of the United States has decided, that he has no power to protect the Indian tribes, having treaties with the United States, against the exercise of that jurisdiction, it being in his opinion an essential incident of State sovereignty. In like manner, in several of the States, the claim has been set up, that the States, as an incident of sovereignty, possess the title to the soil of all the lands, not held by individuals, within their limits. No law has been passed, that we know of, by any State, to take possession of the public lands ; as laws have been passed by three States, extending their jurisdiction over tribes of Indians, with whom the United States have subsisting treaties. But the State of Illinois has addressed a memorial to Congress, calling for a change in the

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\* This proposition, however, is obviously groundless in reference even to the free white citizens.



mode of disposing of the public lands, within the limits of that State, and intimating, that if this call is not satisfactorily answered, grave questions will arise ; and among them, 'whether in reality the compact, under which the General Government claims these extraordinary powers, is consonant to the rights reserved to the States respectively, by the Constitution of the United States, or has in any wise been granted by that instrument ; and finally, *whether the tenure, by which they hold the public lands, is valid and binding on the new States.*' The memorial, from which we quote this passage, bears no date, but was presented to the Senate of the United States, on the second day of February, 1829. The Governor of Illinois, Mr. Ninian Edwards, had, in a message to the Legislature of that State, (as we have understood,) questioned in strong terms the title of the United States to the public lands, within the limits of the States. Notes to the same effect, but uttered with various degrees of confidence and authority, have been heard from two or three other States, both at home and on the floor of Congress. But Indiana alone, we believe, has undertaken to decide the question. On the ninth of January, 1829, that State adopted a resolution by all the branches of its government, in the following terms : 'Resolved by the General Assembly of the State of Indiana, that this State, being a sovereign, free, and independent State, has the exclusive right to the soil and eminent domain of all the unappropriated lands within her acknowledged boundaries, which right was reserved to her by the State of Virginia, in the deed of cession of the North Western Territory to the United States, being confirmed and established by the articles of confederation and the Constitution of the United States.'

It must be confessed, that this doctrine has found no great favor as yet in Congress. In his speech on the New-Orleans Road Bill, delivered in the House of Representatives last winter, Mr. Archer, of Virginia, having spoken, in the severest terms, of the insolence of injustice in the project of distributing the proceeds of the sales of the public lands in some rateable proportion among the States, and having observed that, 'coming as it did from a quarter, in which no cession of lands had ever been made, it might be supposed to labor under some defect of modesty, he added,

'It stood entirely acquitted, however, upon this score, by comparison with another, having reference to the same subject of

lands. He alluded to the claim advanced recently in some of the new States, to the property of the whole of the public lands, comprehended within their respective limits, as a result of the character of sovereignty, which the United States had conceded to them, with this very condition annexed, of the reserve of this very property. A relation of war, between States, exposed *to seizure and forfeiture the property of either within the reach of the other*. A relation of the closest amity,—of incorporation into a common political community,—operated the same effect, according to the principle of the doctrine alluded to!"

Not less decisive is the censure of this doctrine, pronounced by a select committee of the House of Representatives, two years ago.\* In their report on the subject committed to them they make use of the following (rather unduly severe) language :

' Encouraged by the success of these applications, several of the new States have now boldly *demand*ed of Congress the surrender of the lands within their limits, although the sovereignty and right of soil were obtained by the treasure, or won from the Indians by the blood, of the citizens of the old States. These new States have affected to assert a right to what they, however, come before Congress to have awarded them by concession. Your committee will enter into no argument on the subject. These demands, the committee are disposed to believe, have been rather the acts of certain individuals, than the deliberate expression of the people at large. The patriotism of the citizens of the old States, who voluntarily conceded these lands to the *Union*, might here be placed by the committee in strong contrast with the want of that feeling in the citizens of the new States, who could seriously demand from the Union the surrender of all this invaluable property *to them alone*. But if any States have, in reality, an unhallowed desire *to get*, it may be useful to them to reflect that the other States have the power *to keep*, and that it is the *duty* of the representatives of these to know that if the national property is parted with, it is parted with only for the *general advantage*.'

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\* This committee was raised on motion of Mr. James S. Stevenson, of Pittsburgh, and consisted, besides himself, of the following gentlemen : Mr. Earl, of New-York ; Mr. Rives, of Virginia ; Mr. Reed, of Massachusetts ; Mr. Gale, of Maryland ; Mr. Muhlenberg, of Ohio ; and Mr. Gilmer, of Georgia. We have heard the report of the committee ascribed to its chairman, Mr. Stevenson. A large number of copies of it was ordered for distribution by the House of Representatives.

We have perhaps gone far enough to show, that this is a subject of great delicacy as well as importance.

It is not our intention, at present, to go into a detailed discussion of the subject of the public lands ; we may perhaps do that on another occasion. We wish only to make such further statements respecting it, as will illustrate the origin of the debate in the Senate, at the last session.

The public domain of the United States has been acquired chiefly by the cessions made to the Union by the old States, at the close of the revolutionary war ; by the Louisiana purchase ; and by the Florida treaty.

The peace of 1783 found the United States of America in possession of large tracts of unsettled country, to which several of the States respectively had already put in a claim of exclusive ownership, as being within their chartered limits. This right was strenuously contested by some of the States, possessing no lands in that condition ; particularly New-Jersey and Maryland, and more especially the latter, which, on this ground, refused to accede to the confederation till 1781. The reader, who would understand the question of the right of the separate States to the unoccupied lands within their limits, would do well to read the instructions of the Maryland delegates to the Continental Congress, laid before that body, 21st May, 1779.\* This controversy was happily quieted by acts of cession to the United States of the lands in question, executed by those States which had preferred claims to an exclusive title. In this magnanimous policy New-York led the way by an act of cession of 1st March, 1781. Virginia followed on the 1st of March, 1784 ; Massachusetts on the 19th April, 1785 ; Connecticut on the 13th September, 1786. By these various acts of cession the United States acquired the title to the territory north-west of the Ohio ; being the territory out of which have since been formed the States of Ohio, Indiana, and Illinois, the territory of Michigan, and an extensive region west of it, which will probably be soon organised under a separate territorial government. The claim of the State of Virginia covered nearly the whole of this region ; that of the other States enumerated was limited to a part. These claims had their origin in the royal charters, which extended the bounda-

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\* Secret Journal of Congress for Domestic Affairs, p. 433.



ries of the several colonies from sea to sea, at a time when the geography of the country was so little understood, that the same region was granted to different colonies, by their contemporaneous or successive charters. Connecticut alone, in making her cession, reserved a tract of land, in the north-western part of Ohio, still popularly known as the 'Connecticut or Western Reserve,' which was afterwards ceded to the United States, on the 30th May, 1800; and by the United States to Ohio.\* The sales by Connecticut of the lands in the district thus reserved, laid the foundation of her school fund.

Great reliance was had, during the revolutionary war, and under the old confederation, upon the public lands, as a resource for paying the debts contracted in the course of the revolution, and furnishing a permanent supply to the treasury. It is obvious, however, that the extent, to which these lands could contribute to any financial purpose, must depend on the progress of emigration and settlement; and these were seriously retarded by the inexecution of the British treaty; the hostile temper of the north-western Indians; and the troubles with Spain, relative to the navigation of the Mississippi. The indissoluble connexion of the progress of settlement, with the financial product of the land, would seem of itself to demonstrate the absurdity of some of the charges made on the Atlantic States, and particularly those of New England, in the course of the debate in the Senate last winter. Two of these charges were—the one, that these States looked, with an avaricious eye, to the public domain in the West, merely as a source of pecuniary benefit; and the other, that they endeavored to cripple the growth of the West: charges of which it may be enough to say, at present, that they are inconsistent with each other. We may only add here, that of the leading statesmen, who have recommended measures of that class, which has been construed into hostility to the West, General Washington and Mr. Jefferson are the most distinguished. Mr. Jefferson proposed to stock upper Louisiana with Indians, to serve, in his own language, as a *marechaussée*, to retard the emigration of the citizens of the United States, till the region east of the Mississippi was

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\* Report of the committee to whom was referred the consideration of the expediency of accepting from the State of Connecticut, a cession of jurisdiction of the territory west of Pennsylvania, commonly called the Western Reserve of Connecticut, 21st March, 1800.

filled up. General Washington urged the opening of artificial communications between the Atlantic and the Western States, partly, on the ground, that it would prevent the commerce of those states from descending the St. Lawrence and the Mississippi,—both of which, at that time, had their outlet in the dominions of foreign powers.

Prior to the adoption of the Federal Constitution, very limited sales were made of the public lands. Three tracts were sold by special contract. The first was 'The Triangle,' so called, a tract of land on Lake Erie, west of New-York, north of Pennsylvania, and east of the present State of Ohio; which was comprehended in the cessions to the United States, made by New-York and Massachusetts. This tract was ceded to the State of Pennsylvania on the 4th of September, 1788. It consisted of 202,187 acres, and the sum of 157,640 dollars was received for the sale of the lands. The second sale, prior to the Constitution, was that made to the 'Ohio Company,' of a tract of land on the Ohio and Muskingum rivers, originally intended to include about two millions of acres, but afterwards reduced, by the consent of the parties, to 964,285 acres. The price of these lands was two thirds of a dollar per acre, receivable in evidences of the public debt. The Ohio Company was formed by Winthrop Sargent and Manasseh Cutler, and commenced the settlement of the State of Ohio, then a wilderness uninhabited by civilised man, and now containing a population probably amounting to a million. The third of these sales was also in Ohio, to John Cleves Symmes, of the tract of land between the Great and Little Miami rivers. This sale, originally of one million of acres, was reduced by an alteration of the contract, and subsequently by a failure to perform its conditions, to 248,540 acres. On the lands purchased under this contract, were made the first attempts, which proved wholly successful, (though not the first in point of time,) to settle the territory north-west of the Ohio.

Bounty lands having been promised, by the Continental Congress, to the officers and soldiers of the continental army, it became necessary, as early as possible, to redeem that pledge. The controversies between the States and the United States, relative to the soil, retarded for some time the fulfilment of this purpose. On the 20th May, 1785, an ordinance was passed, for ascertaining the mode of disposing of lands in the Western territory, and this was the first act of general

legislation on the subject. The system commenced by that act underwent several changes, but in some important features, it resembled the system now existing.\* Under this system, very limited sales were made, amounting in the whole to not more than 121,540 acres, viz. 72,974 acres, at public sale in New-York, in 1787, for 87,325 dollars, in evidences of the public debt; 43,446 acres, at public sale at Pittsburgh, in 1796, for 104,427 dollars; and 5,120 acres at Philadelphia, the same year, for two dollars an acre. In the year 1800, on the 10th of May, an act was passed, laying the foundations of the present land system. It has received many modifications at subsequent periods; particularly in 1820, the very important modification of substituting cash sales for the credit system, and reducing the price to \$1.25 per acre. This act itself was amendatory of one which had been passed in 1796.

Under this act, the substantial features of the land system of the United States are as follows. All the lands are *surveyed by the Government*, before they are offered for sale; and this is the great improvement in the land system of the United States, over that of Virginia in apportioning her military bounty lands, which were picked out and surveyed by individuals receiving warrants, and thus subject to conflicting claims, productive of interminable legislation. The lands of the United States, as surveyed, are divided into townships of six miles square; and these are subdivided into thirty-six sections a mile square, and containing 640 acres. The dividing lines run according to the cardinal points, and cut each other at right angles, except where navigable rivers or an Indian boundary creates what are called fractional sections. The superintendence of the surveys is committed to five principal surveyors. One thirty-sixth part of the lands surveyed, being section number 16, in each township, is reserved from sale for the support of schools in the township; and other reservations have been made for colleges and universities. All salt springs and lead mines are also reserved, subject to be leased by the President. All lands not reserved are, under proclamations by the President issued from time to time to that effect, offered for sale at public sale, for cash, in tracts not less than a half quarter section, or eighty acres, and at the minimum price of one dollar and twenty-five cents per acre. Lands not sold at

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\* Land Laws, new edition, p. 349.



public sale are thenceforward subject to entry, at private sale, at the minimum price.\* In addition to the fundamental principles of the land-law, numerous special laws have been passed, granting the right of pre-emption (that is, a prior right of entry at private sale), to the actual settler. But this and all other provisions of the law for the benefit of the actual settler have, in some districts, been rendered almost nugatory by unprincipled combinations of land speculators, who purchase the lands at public sale, at the minimum price, and then compel the actual settler to purchase of them, at an enhanced valuation. On the whole, the public obtains, on an average, little, if any thing, above the minimum price, although not a little of the land sold is of the best quality and worth several dollars per acre. Such lands are generally pre-occupied by intruders ; and if not purchased of the government, at the minimum rate, by the land speculators just alluded to, the settlers themselves, by mutual agreement, forbear to bid on each other.

It appears that up to the present time about one hundred and fifty millions of acres of the public lands have been surveyed. Of these, thirty millions have not been proclaimed for sale ; eighty millions have been proclaimed, but remain unsold ; twenty millions have been sold, and as much more granted by Congress for education, internal improvement and other purposes. There are then one hundred and ten millions of acres surveyed but not sold ; eighty millions of which are in the market, ready for entry, at the minimum price, at private sale ; and thirty millions subject to be proclaimed for sale, whenever there is a demand. The annual expense of surveys, as they have hitherto been conducted, is sixty or eighty thousand dollars per annum, according to the statement of Mr. Foot, in his speech on the resolution moved by him.

And this brings us more particularly to that resolution, which was offered on the twenty-ninth of December last, and expressed in the following terms : ‘ Resolved, that the Committee on Public Lands be instructed to inquire into the expediency of limiting, for a certain period, the sales of the public lands to such lands only as have heretofore been offered for sale and are subject to entry at the minimum price, and also

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\* Most of the facts here stated may be found in Seybert’s *Statistical Annals* ; and in the new edition of the *Land Laws*, an excellent compilation, executed under an order of the House of Representatives, by the clerk of that body, M. St. Clair Clarke, Esq.

whether the office of Surveyor-General may not be abolished without detriment to the public interest.'

When this resolution was taken up on the following day, it was opposed, on the ground that it was a part of a systematic policy for crippling the growth of the West, which had been pursued for forty years. That no such policy ever existed was, we think, satisfactorily shown, in the course of the debate that ensued, particularly by Mr. Sprague of Maine, in answer to Mr. Benton.

After the resolution had been debated, at no great length, for a day or two, in the form, in which it was originally offered, Mr. Woodbury moved an amendment to it, which went to reverse its character, and change it into an inquiry into the expediency of hastening the sales and extending more rapidly the surveys of the public lands. This proposition was variously opposed and sustained, till, on motion of Mr. Sprague and by consent of Mr. Foot, the original resolution was combined with the proposed amendment, and the inquiry was to be alternative, as to the expediency either of extending the surveys and hastening the sales, or suspending the surveys and abolishing some of the land-offices, as recommended by the late commissioner of the general land-office.

Thus far the resolution had encountered a fate not uncommon with resolutions of inquiry. It was probably brought forward without any plan on the part of the mover to pursue it vigorously to any act of legislation. It was debated, at no great length, chiefly on its merits, with the ordinary admixture of topics of present party interest. It received such modifications as prevented the Senate from being pledged by its adoption to any policy with regard to the public lands. It was then in a state to go to the committee and receive such destiny, as they might please to give it, most probably that of a statistical report, condensing into moderate compass the most important information on the subject of the surveys and sales of the public lands, and recommending such resolutions as the majority of the committee should agree in, and which, when reported, would have gone to rest on the table of the Senate. We do not make these remarks from any purpose of disparaging the resolution. It is the course, which the majority, we apprehend, of the resolutions of inquiry moved in either house are intended, or at least expected to take, when moved.

In this state of things, Mr. Hayne of South Carolina ad-

dressed the Senate on the subject. We find the following abstract of his remarks, in a pamphlet edition of his Speech and the Second of Mr. Webster, published at Boston.

‘Mr. Hayne, of South Carolina, now rose and said, that to oppose inquiry was not necessarily an unparliamentary course. Where information was really wanted or a policy questionable, it was proper to send the subject to a committee; but where there was full knowledge and fixed opinions, inquiry was neither necessary or proper. He concurred with the gentleman from Missouri, that it could never be right to *inquire into the expediency of doing a great and acknowledged wrong*. There were two great systems and two great parties in relation to the settlement of the public lands. One system was that which we had pursued, of selling the land at the highest price. Another was that of Great Britain, France, and Spain, of granting their lands for a penny or a peppercorn. He described the opposite results of these systems. That of the United States produced poverty and universal distress, and took away from the settler all the profits of labor. It drained the new States of all their money in the same manner as the South, by the operation of the tariff, was drained to enrich more favored sections of the Union. The South could sympathise with the West. If the opposite system had been pursued, who could tell how much good, how much improvement, would have taken place, which has not, in the new States? The important question was as to the future. He did not wish for a permanent fund in the treasury, believing it would be used for corruption. If he could, with the wave of a wand, convert the capitol into gold, he would not do it. But there was another purpose to which it was supposed the public land could be applied; viz. so as to create and preserve in certain quarters, a population suitable and sufficient for manufacturing establishments. It was necessary to create a manufactory of *paupers*, and these would supply the manufactories of *rich* proprietors, and enable them to amass great wealth. This doctrine was broached by the late Secretary of the Treasury.

‘The lands were pledged for the public debt. This would be paid in three or four years. He was in favor of a system, which looked to the total relinquishment, at that time, of the lands to the States in which they lie, at prices, he would not say nominal, but certainly so moderate, as not to keep the States long in debt to the United States. In the course of his remarks, Mr. Hayne appealed to the gentlemen from the Atlantic States, if it was not true that the whole of their country was parcelled out and settled under the liberal system of Britain, instead of the hard and draining one, which we had hitherto pursued in regard to the



West. Mr. Hayne urged the necessity of distributing the lands to the States, from a regard to State sovereignty and the tendency of such a fund to produce consolidation.

With this speech commenced the great debate ; all before was mere skirmish. Mr. Webster, on the following day, replied to Mr. Hayne, in a speech, which has been reported at length. The important topics were the general defence of the policy, which had been pursued by the Government towards the new States, which Mr. Hayne had characterised as severe ; the dangerous tendency to the Union of the doctrines current at the South, doctrines to which Mr. Webster thought that sanction was given by Mr. Hayne in some of his remarks ; and the injustice of the charge against the Eastern States, that they encouraged the tariff policy with the hostile design of checking emigration to the West. In this part of his speech Mr. Webster maintained, that New England had, from the first, taken an active part in measures favorable to the settlement and growth of the West. Her statesmen introduced the plan of public surveys, and the Ordinance of 1787, the basis of the civil institutions and of the prosperity of the North Western States, was drafted by Mr. Dane, a distinguished citizen of Massachusetts. On this subject he made the following remarks, which it is necessary to quote for the understanding of what follows.

‘Then comes, Sir, the renowned Ordinance of 1787, which lies at the foundation of the Constitutions of these new North Western States. We are accustomed, Sir, to praise the lawgivers of antiquity ; we help to perpetuate the fame of Solon and Lycurgus ; but I doubt whether one single law of any lawgiver, ancient or modern, has produced effects of more distinct, marked, and lasting character, than the Ordinance of 1787. That instrument was drawn by NATHAN DANE, then, and now, a citizen of Massachusetts. It was adopted, as I think I have understood, without the slightest alteration ; and certainly it has happened to few men, to be the authors of a political measure of more large and enduring consequence. It fixed for ever the character of the population in the vast regions northwest of the Ohio, by excluding from them involuntary servitude. It impressed on the soil itself, while it was yet a wilderness, an incapacity to bear up any other than free men. It laid the interdict against personal servitude in original compact, not only deeper than all local law, but

deeper, also, than all local constitutions. Under the circumstances then existing, I look upon this original and seasonable provision as a vast good attained. We see its consequences at this moment, and we shall never cease to see them, while the Ohio shall flow. It was a great and salutary measure of prevention. Sir, I should fear the rebuke of no intelligent gentleman of Kentucky, were I to ask whether, if such an ordinance could have been applied to his own State, while it was yet a wilderness, and before Boone had passed the gap of the Allegany, he does not suppose it would have contributed to the ultimate greatness of that Commonwealth? It is, at any rate, not to be doubted, that, where it did apply, it has produced an effect not easily to be described or measured, in the growth of the States, and the extent and increase of their population. Now, Sir, this great measure, again, was carried by the North, and by the North alone. There were, indeed, individuals elsewhere favorable to it; but it was supported, as a measure, entirely by the votes of the Northern States. If New England had been governed by the narrow and selfish views now ascribed to her, this very measure was, of all others, the best calculated to thwart her purposes. It was, of all things, the very means of rendering certain a vast emigration from her own population to the West. She looked to that consequence only to disregard it. She deemed the regulation a most useful one to the States that would spring up on the territory, and advantageous to the country at large. She adhered to the principle of it perseveringly, year after year, until it was finally accomplished.

On the subject of a hostility to the West evinced in the tariff policy, Mr. Webster made the following remarks.

‘The gentleman alluded to a Report of the late Secretary of the Treasury, which, according to his reading or construction of it, recommended what he calls the tariff policy, or a branch of that policy; that is, the restraining of emigration to the West, for the purpose of keeping hands at home, to carry on the manufactures. I think, Sir, that the gentleman misapprehended the meaning of the Secretary, in the interpretation given to his remarks. I understand him only as saying, that since the low price of lands at the West acts as a constant and standing bounty to agriculture, it is, on that account, the more reasonable to provide encouragement for manufactures. But, Sir, even if the Secretary’s observation were to be understood as the gentleman understands it, it would not be a sentiment borrowed from any New England source. Whether it be right or wrong, it does not originate in that quarter.

‘In the course of these remarks, Mr. President, I have spoken of the supposed desire, on the part of the Atlantic States, to check, or at least not to hasten, Western emigration, as *a narrow policy*. Perhaps I ought to have qualified the expression; because, Sir, I am now about to quote the opinions of one, to whom I would impute nothing narrow. I am now about to refer you to the language of a gentleman of much and deserved distinction, now a member of the other House, and occupying a prominent situation there. The gentleman, Sir, is from South Carolina. In 1825, a debate arose in the House of Representatives, on the subject of the Western road. It happened to me to take part in that debate; I was answered by the honorable gentleman to whom I have alluded, and I replied. May I be pardoned, Sir, if I read a part of this debate?

“The gentleman from Massachusetts has urged,” said Mr. Mc Duffie, “as one leading reason why the government should make roads to the West, that these roads have a tendency to settle the public lands; that they increase the inducements to settlement, and that this is a national object. Sir, I differ entirely from his views on the subject. I think that the public lands are settling quite fast enough; that our people need no stimulus to urge them thither; but want rather a check, at least, on that artificial tendency to the Western settlement, which we have created by our own laws.

“The gentleman says, that the great object of Government, with respect to those lands, is not to make them a source of revenue, but to get them settled. What would have been thought of this argument in the old thirteen States? It amounts to this, that those States are to offer a bonus for their own impoverishment, to create a vortex to swallow up our floating population. Look, Sir, at the present aspect of the Southern States. In no part of Europe will you see the same indications of decay. Deserted villages—houses falling to ruin—impoverished lands thrown out of cultivation! Sir, I believe that if the public lands had never been sold, the aggregate amount of the national wealth would have been greater at this moment. Our population, if concentrated in the old States, and not ground down by tariffs, would have been more prosperous and more wealthy. But every inducement has been held out to them to settle in the West, until our population has become sparse, and then the effects of this sparseness are now to be counteracted by another artificial system. Sir, I say if there is any object worthy the attention of this Government, it is a plan which shall limit the sale of the public lands. If those lands were sold according to their real value, be it so. But while the Government continues, as it now does, to give them away, they will draw the



population of the older States, and still farther increase the effect which is already distressingly felt, and which must go to diminish the value of all those States possess. And this, Sir, is held out to us as a motive for granting the present appropriation. I would not, indeed, prevent the formation of roads on these considerations, but I certainly would not encourage it. Sir, there is an additional item in the account of the benefits, which this Government has conferred on the Western States. It is the sale of the public lands at the minimum price. At this moment we are selling to the people of the West lands at one dollar and twenty-five cents, which are worth fifteen, and which would sell at that price if the markets were not glutted.”

Mr. Webster then quoted an extract from his own speech in 1825, in reply to Mr. Mc Duffie, and closed with moving the indefinite postponement of Mr. Foot's resolution.

Mr. Benton of Missouri followed, in reply, on the following day.

‘He said, that if it had depended on New England,—he would proclaim it to the world,—not a settlement would have been made in the West. He repeated his arguments in relation to the Spanish treaty, and the non-settlement clause; he said the motive of the North, for acceding to the surrender of the navigation of the Mississippi, was to have Spain take train oil and codfish from us, *id est*, from *New England*. God save us, said Mr. B., from such allies. He joined issue with the gentleman from Massachusetts, as to the benefits conferred by the East upon the West.

‘Thursday, January 21. Mr. Chambers, of Maryland, hoped that the Senate would postpone the discussion until Monday, as Mr. Webster, who had taken a part in it, and wished to be present at it, had unavoidable engagements out of the Senate, and could not conveniently attend.

‘Mr. Hayne, of South Carolina, said that some things had fallen from the gentleman from Massachusetts, which had created sensations *here*, (touching his breast), from which he would at once desire to relieve himself. The gentleman had discharged his weapon, and he (Mr. H.) wished for an opportunity to return the fire.

‘Mr. Webster. I am ready to receive it; let the discussion proceed.

‘Mr. Benton, of Missouri, then continued his remarks, denying that the credit of framing the ordinance of 1787 was due to Nathan Dane; it belonged to Mr. Jefferson and the South. Mr. Benton said, that in New England there was a dividing line between the friends of the West, and those who thought it “unbe-

coming a moral and religious people to rejoice at victory.' On one side was democracy; on the other, all that was opposed to democracy; the alliance of the latter party, offered yesterday to the West, he begged leave, in behalf of the West, to decline. On all the questions in which the West had an interest, the South had been its friend; and the North, if not all, at least its leaders, enemies! Massachusetts, who now came forward to offer an alliance, was found, on every question, opposed to generous, magnanimous Virginia.

'Mr. Bell, of New Hampshire, moved to postpone further discussion until Monday, which was negatived—Ayes 13, Noes 18.'

Mr. Hayne then proceeded with his speech in reply to Mr. Webster, which occupied the Senate for two days.

The exordium contained some caustic remarks on the manner in which Mr. Webster had engaged in the debate. In reply to Mr. Webster's allusion to Mr. Dane, as the author of the ordinance of 1787, Mr. Hayne stated that Mr. Benton had disproved that fact; and added, that Mr. Dane was known only to the South as a member of the Hartford Convention. Mr. Hayne insisted that the doctrines now advanced by Mr. Webster, on the public lands, differed from those contained in his speech of 1825, from which Mr. Webster had read an extract the day before. He alleged that the support, which New England had given to the measures of internal improvement, as favorable to the West, had commenced in 1825, and was dictated by political calculations. In reply to Mr. Webster's commendation of the ordinance of 1787 for its prohibition of slavery, Mr. Hayne commented at length on that subject, condemning what he regarded as the spirit and tendency of Mr. Webster's commendation, and denying that slavery was a source of political weakness in a community. In reply to Mr. Webster's remarks on the prevalence of doctrines at the South unfriendly to the Union, Mr. Hayne charged upon Mr. Webster a desire to promote the consolidation of the Government; and declared that the two great parties of anti-federal and federal were those which, under different names, had always divided and still divided the people of this country. Mr. Hayne on this head observed, that the anti-federalists, who came into power in 1801, 'continued *till the close of Mr. Madison's administration in 1817*, to exercise the exclusive direction of public affairs.' Mr. Hayne then commented with severity on Mr. Webster's course in respect to the tariff. In

reference to the prevalence, in some quarters, of doctrines unfriendly to the Union, which had been referred to by Mr. Webster, Mr. Hayne stated that he considered such allusions as an unprovoked attack on the South, and particularly South Carolina, one of whose citizens, Dr. Cooper, was distinctly alluded to; and that he should consequently carry the war into the enemy's territory. This gave Mr. Hayne occasion, after asserting the patriotic conduct of South Carolina in the war of the revolution and of 1812, to endeavor to place in very disadvantageous contrast that of Massachusetts in the last war. In this part of his speech, Mr. Hayne made numerous quotations of documents, touching the proceedings of Massachusetts and the other Eastern States, against the war of 1812, ending with the Hartford Convention.

From this train of reflection, Mr. Hayne passed to the defence of the doctrine, that the several States of the Union, each in its sovereign capacity, have a constitutional right to protect themselves against unconstitutional acts of the General Government. Mr. Hayne, however, observed that as Mr. Webster had not examined this doctrine in detail, he should not, at present, do more than oppose to his authority that of the Virginia and Kentucky Resolutions of 1798 and 1799, and the Virginia Report of 1799: papers known or supposed to have proceeded from Mr. Jefferson and Mr. Madison. From these papers, Mr. Hayne made some extracts. He finally stated, that South Carolina had gone not a step farther than the statesmen of New England, and Mr. Webster himself had gone, in maintaining the right of opposing the embargo and other acts deemed by them unconstitutional. Mr. Hayne ended his speech in the following manner:

‘ Thus, it will be seen, Mr. President, that the South Carolina doctrine is the republican doctrine of ’98; that it was promulgated by the fathers of the faith—that it was maintained by Virginia and Kentucky in the worst of times—that it constituted the very pivot on which the political revolution of that day turned—that it embraces the very principles, the triumph of which, at that time, saved the Constitution at its last gasp, and which New England statesmen were not unwilling to adopt, when they believed themselves to be the victims of unconstitutional legislation. Sir, as to the doctrine that the Federal Government is the exclusive judge of the extent as well as the limitations of its powers, it seems to me to be utterly subversive of the sovereignty



and independence of the States. It makes but little difference, in my estimation, whether Congress or the Supreme Court are invested with this power. If the Federal Government, in all or any of its departments, is to prescribe the limits of its own authority, and the States are bound to submit to the decision, and are not to be allowed to examine and decide for themselves, when the barriers of the Constitution shall be overleaped, this is practically a "government without limitation of powers." The States are at once reduced to mere petty corporations, and the people are entirely at your mercy. I have but one word more to add. In all the efforts that have been made by South Carolina, to resist the unconstitutional laws which Congress has extended over them, she has kept steadily in view the preservation of the Union, by the only means by which she believes it can be long preserved—a firm, manly, and steady resistance against usurpation. The measures of the Federal Government have, it is true, prostrated her interests, and will soon involve the whole South in irretrievable ruin. But even this evil, great as it is, is not the chief ground of our complaints. It is the principle involved in the contest, a principle, which, substituting the discretion of Congress for the limitations of the Constitution, brings the States and the people to the feet of the Federal Government, and leaves them nothing they can call their own. Sir, if the measures of the Federal Government were less oppressive, we should still strive against this usurpation. The South is acting on a principle she has always held sacred—resistance to unauthorised taxation. These, Sir, are the principles which induced the immortal Hampden to resist the payment of a tax of twenty shillings. Would twenty shillings have ruined his fortune? No! but the payment of half twenty shillings, on the principle on which it was demanded, would have made him a slave. Sir, if in acting on these high motives—if animated by that ardent love of liberty which has always been the most prominent trait in the Southern character—we should be hurried beyond the bounds of a cold and calculating prudence, who is there, with one noble and generous sentiment in his bosom, that would not be disposed, in the language of Burke, to exclaim, "You must pardon something to the spirit of liberty!"

We should the more regret the imperfection of the foregoing sketch of Mr. Hayne's speech, did we not know, that the report of it, revised by himself, has gone into far wider circulation than that of our journal. Our object has been merely to present the connected succession of its topics. It may be proper to remark, that this speech, like that of Mr. Webster,

which followed it, was made in the presence of as crowded and intelligent an assembly, as was ever convened in the United States. The public attention was strongly excited, and the Senate-chamber thronged to overflowing. Mr. Hayne's remarks continued till the arrival of the usual hour of adjournment.

Mr. Webster commenced his reply on the following day. After repelling with severity the personal remarks contained in Mr. Hayne's exordium, Mr. Webster defended himself against the charge of an invidious allusion to slavery, and vindicated the course of the Eastern States generally in reference to that subject. In reply to the observation, that Mr. Dane was known to the South, only as a member of the Hartford Convention, he said, that the journal of that Convention, which *he* had never read, appeared to be now more studied in South Carolina than in New England. He denied that his views on the public lands, as expressed in his speech of 1825, differed from those which he had advanced at the commencement of the debate. He denied that the support of internal improvement, as favorable to the West, began in New England in 1825; and alleged, that when at the peace of 1815, he returned to Congress, he found the system of internal improvement becoming the favorite policy of the country at large, under the auspices of distinguished statesmen from South Carolina, whose lead he followed, though they appeared since to have abandoned the doctrine. He recurred to his views on the subject of consolidation, repeating that he had maintained 'the consolidation of the Union,' which had been recommended by General Washington and the convention which adopted the Constitution, not a consolidation of the Government. Mr. Webster next defended the course which he had pursued in reference to the tariff question; and then replied in general terms to that part of Mr. Hayne's speech, which was devoted to the conduct of the Eastern States during the war of 1812. Having disposed of this and the topics incident to it, the remainder of Mr. Webster's speech was taken up with what has been called the constitutional argument. He laid down the doctrines, which he proposed to contest, in the following terms:

'I understand the honorable gentleman from South Carolina to maintain, that it is a right of the State Legislatures to interfere, whenever, in their judgment, this Government transcends its constitutional limits, and to arrest the operation of its laws.

‘I understand him to maintain this right, as a right existing *under* the Constitution; not as a right to overthrow it, on the ground of extreme necessity, such as would justify violent revolution.

‘I understand him to maintain an authority on the part of the States thus to interfere, for the purpose of correcting the exercise of power by the General Government, of checking it, and of compelling it to conform to their opinion of the extent of its power.

‘I understand him to maintain, that the ultimate power of judging of the constitutional extent of its own authority, is not lodged exclusively in the General Government, or any branch of it: but that, on the contrary, the States may lawfully decide for themselves, and each State for itself, whether, in a given case, the act of the General Government transcends its power.

‘I understand him to insist, that if the exigency of the case, in the opinion of any State Government, require it, such State Government may, by its own sovereign authority, annul an act of the General Government, which it deems plainly and palpably unconstitutional.

‘This is the sum of what I understand from him to be the South Carolina doctrine. I propose to consider it, and to compare it with the Constitution.’

Mr. Hayne having explained, that the doctrine which he asserted was no other than that of the Virginia Resolutions of 1798, which he cited, Mr. Webster replied,

‘I am quite aware, Mr. President, of the existence of the resolution which the gentleman read, and has now repeated, and that he relies on it as his authority. I know the source, too, from which it is understood to have proceeded. I need not say, that I have much respect for the constitutional opinions of Mr. Madison; they would weigh greatly with me, always. But, before the authority of his opinion be vouched for the gentleman’s proposition, it will be proper to consider what is the fair interpretation of that resolution, to which Mr. Madison is understood to have given his sanction. As the gentleman construes it, it is an authority for him. Possibly, he may not have adopted the right construction. That resolution declares, *that in the case of the dangerous exercise of powers not granted by the General Government, the States may interpose to arrest the progress of the evil.* But how interpose, and what does this declaration purport? Does it mean no more, than that there may be extreme cases, in which the people, in any mode of assembling, may resist usurpation, and relieve themselves from a tyrannical government? No



one will deny this. Such resistance is not only acknowledged to be just in America, but in England also. Blackstone admits as much in the theory and practice too, of the English constitution. We, Sir, who oppose the Carolina doctrine, do not deny, that the people may, if they choose, throw off any government, when it becomes oppressive and intolerable, and erect a better in its stead. We all know, that civil institutions are established for the public benefit, and that when they cease to answer the ends of their existence, they may be changed. But I do not understand the doctrine now contended for, to be that which, for the sake of distinctness, we may call the right of revolution. I understand the gentleman to maintain, that without revolution, without civil commotion, without rebellion, a remedy for supposed abuse and transgression of the powers of the General Government, lies in a direct appeal to the interference of the State Governments.

‘(Mr. Hayne here rose: He did not contend, he said, for the mere right of revolution, but for the right of constitutional resistance. What he maintained was, that in case of a plain, palpable violation of the Constitution by the General Government, a State may interpose; and that this interposition is constitutional.) Mr. Webster resumed: So, Sir, I understood the gentleman, and am happy to find that I did not misunderstand him. What he contends for is, that it is constitutional to interrupt the administration of the Constitution itself, in the hands of those who are chosen and sworn to administer it, by the direct interference, in form of law, of the States, in virtue of their sovereign capacity.’

Mr. Webster, after these explanations, proceeded to argue the main question. He laid it down, that the Federal Constitution was the creature not of the State Legislatures, but of the people of the United States. If each State were competent to decide the constitutionality of acts of the General Government, different States would decide the same question in different ways, as they had done the question of the tariff, in connexion with which the present doctrines are mainly broached. He referred to the conduct of New England, in reference to the embargo, which was thought unconstitutional by the majority of the people of that part of the country, but submitted to after judicial decision. He inquired whence the States acquired the right which they are alleged to possess; and denied that they possessed it. He maintained that the supreme court of the United States was the tribunal provided by the people of

the United States, for settling questions of the constitutionality of laws ; and he denied the power of the individual States to decide these questions. He carried out into its practical consequences an attempt to execute a law of a State, nullifying a law of the United States, and showed that those consequences were treason and civil war ; and dwelt, in a brilliant peroration, on the blessings of the Union. The usual hour of the adjournment of the Senate had arrived, when Mr. Webster closed his speech. Mr. Hayne, however, spoke for near an hour in reply, and has since given his speech in a more expanded form. Mr. Webster followed in a brief rejoinder.

Here the debate, as between these two gentlemen, terminated. It is well known, that the discussion was continued for several weeks, and that a large proportion of the members of the Senate took part in it. In its progress, almost every topic of great political interest was brought within its range. The several subjects already mentioned were further discussed, and numerous others were introduced. Many of the speeches were distinguished for learning, ingenuity, and power. To some of them we may perhaps have occasion to refer in the course of our remarks. But it would be manifestly impossible, as it would be aside from our purpose, to pursue the analysis of the debate.

It is scarcely necessary to remark, that, in the progress of the debate, the resolution was effectually lost sight of. At its close it was laid on the table. Since the termination of the session of Congress, a public festival has been held in Charleston, in honor of Messrs. Drayton and Hayne. On this occasion, connecting itself closely with the subject of the debate under consideration, the gentlemen just named addressed the company on the interesting topics in controversy, on which we propose to make some remarks. As the report of these addresses bears evident marks of having received the sanction of their authors, we shall not think it indelicate to allude to them in the residue of this article.

A great excitement has for some time prevailed in a portion of the Southern States of the Union. Several acts of the General Government are the alleged causes of this excitement. Some of these acts are considered as imposing heavy burdens on the Southern States, particularly the tariff laws ; others are objects of alarm, as menacing the security of the property held in slaves ; and others are condemned as subversive in a general

way of the political system established by the Constitution of the United States, particularly the laws, by which appropriations are made for executing various works of internal improvement. We particularise these three grievances, as being those, which we believe to be considered the most prominent. They are those, which have been specified in several public acts at the South, particularly in a series of resolutions adopted by the Senate and House of Representatives of South Carolina in December, 1827, and presented to the Senate of the United States at the first session of the twentieth Congress. In the following year, a very elaborate Report was made by a special committee of the House of Representatives of South Carolina, accompanied by a protest against the tariff, which was adopted by both branches of the Legislature of that State, and presented by the Senators of South Carolina to the Senate of the United States. This protest has been publicly ascribed to the distinguished statesman, who now fills the office of Vice-President. This last document, after stating the reasons, for which the system of protecting duties is declared to be unconstitutional and oppressive, concludes as follows :

‘ Deeply impressed with these considerations, the Representatives of the good people of this Commonwealth, anxiously desiring to live in peace with their fellow-citizens, and to do all that in them lies to preserve and perpetuate the Union of the States and the liberties of which it is the surest pledge, but feeling it to be their bounden duty to expose and resist all encroachments upon the true spirit of the Constitution, lest an apparent acquiescence in the system of protecting duties should be drawn into precedent, do, in the name of the Commonwealth of South Carolina, claim to enter upon the Journals of the Senate, their protest against it as unconstitutional, oppressive, and unjust.’

This protest is supposed to express the opinions of a large majority of the people of several of the Southern States,—by whom the system of protecting duties is considered unconstitutional and oppressive.

We believe it may without injustice be stated, that the excitement existing on this subject, is considerably greater in South Carolina, than elsewhere. In that State and in reference to the present grievances, the doctrine has been avowed by numerous individuals collected at public meetings; by respectable citizens on various occasions; and particularly by members of Congress from that State in their places on the



floor, that the several States of this Union possess a constitutional right, when laws unconstitutional and oppressive are passed by Congress, of interposing to arrest the evil. It has been intimated and asserted, that it is the right and duty of the Southern States to interpose in this way on this occasion ; and the strongest assurances and menaces have been held out that South Carolina will do it.

We take up this subject with earnestness and in good faith. The discontent exists in a quarter, which we admit to be, in the highest degree respectable. It is encouraged by men of high character and distinguished talent. The burdens complained of are unquestionably believed to exist. The remedy suggested is supported by grave argument, and we shall gravely meet it. We shall say nothing in unkindness, nothing in levity, nothing in anger ; although something in sorrow ; but every thing in the spirit of union and fraternal feeling. The subject demands and would well admit an ample volume, but we have but a few pages left, and must compress our remarks into some desultory paragraphs.

It is alleged then, that the Southern States, and more especially South Carolina, being much aggrieved by unconstitutional laws of the Federal Government, have a right to interpose and nullify the said laws, and particularly those laws by which duties are laid on imports for the protection of manufactures.

It will readily occur, that the claim of a right of nullifying a law of the United States is somewhat vague and indeterminate in its acceptation. We do not know precisely, what is intended by it ; and yet we must fix an idea of what it is, before we can reason for or against it. Mr. Hayne, in his speech at what is called the State Rights' dinner, given at Charleston on the 3d of July, says, 'The mode, in which these principles are to be brought into operation, when a case shall arise to justify their application, is a question concerning which there may exist much difference of opinion, and which it appears to me of no importance to decide.' In his speech 'on the Prohibitory System,' at the last session of Congress, Mr. McDuffie said, 'It is not for me to say in this place, what course South Carolina may deem it her duty to pursue in this great emergency. It is enough to say, that she perfectly understands the ground which she occupies, and be assured, Sir, that whatever attitude she may assume in her highest sovereign capacity, she will firmly and fearlessly maintain it, be the consequences what

they may.' And farther on, 'But, Sir, in a case of extreme injustice and oppression, I will not stop to moot points of constitutional construction. I place the right and the obligation of a sovereign State to interpose the shield of its sovereignty between its citizens and oppression on much higher ground.'

It might at first blush be supposed, that Mr. McDuffie was here contending for the great and original right of revolution, a natural right of social man. But as nobody contests this right, and as Mr. McDuffie is not wasting his breath in asserting what nobody denies, we must suppose, that he, like Mr. Hayne, refers to some constitutional right, possessed by the State Governments, to protect the citizens of the States against unconstitutional laws of the General Government. But it is plain, that till we know precisely what this alleged constitutional right is, the discussion of it is idle.

Is it a mere right of *protest*? The Legislature of South Carolina, as well as of some other States, has formally protested against the obnoxious laws. Now we think a strong argument could be made against the constitutional right of the legislative branch of a State Government to remonstrate against a law of the General Government. Generally speaking, the constitutional right of remonstrance vests in the constituents or the subjects of a Government. Although the State Legislatures, in 1787—1789, had an agency in the formation of the Federal Government; and at subsequent periods have had, and have an agency, in creating both branches of the legislature and the executive, yet the State Legislatures, as such, are in no sense the constituents or the subjects of the General Government. The State Governments have been and are delegated to perform some acts touching the General Government. But they are not known to the Constitution, in any degree, as the regular depositaries of the constituent power. It may therefore be doubted, as we have observed, whether the State Governments have a constitutional right to remonstrate against acts of a Government, of which they are neither subjects nor constituents. The mere circumstance, that it is very convenient for the State Legislature to proceed on these subjects, by way of resolution, proves nothing. The stronger fact, that the State Legislatures are very apt to form themselves into a grand inquest of the Commonwealth, and express opinions touching the public weal, also proves nothing. Congress also acts by resolution with great convenience, and Congress is the grand inquest of the nation.

But if Congress were to pass resolutions, touching the laws of Virginia, relative to the liability of real estate as security for debt, they would soon be told, that the said laws were constitutionally enacted by the Government of Virginia, which Government was not responsible to Congress.

For these and other reasons, we think the constitutional right of protest on the part of the State Governments questionable. We apprehend inconvenience from the presentation of these protests to Congress. Still, however, if the South Carolina doctrine, (we call it so not invidiously, but for convenience,) went no further than to assert the right of the State Legislatures *to protest* against the acts of the General Government, we should not think it a very serious matter; nor employ our time on this occasion in discussing it.

We cannot suppose it necessary, ourselves, to protest against being thought to encroach on the sacred right *possessed by the people*, to address the Government, either of the State or of the Union. 'The right of the people peaceably to assemble, and to petition the Government for a redress of grievances,' is one of the express guaranties of the Constitution; and were it not stipulated by the Constitution, it would be not the less a right. It is one of those rights, which could not be abandoned by any man, not even for himself. If he promised to-day not to petition against a grievance, he would have a right to petition to-morrow to be released from that promise.

Nor shall we now argue against the various modes in which it has been proposed by individuals, sometimes without responsibility and in a tumultuary manner, that South Carolina should exercise her right of interposition; such as a formal secession from the Union; or the declaration that Charleston shall be a free port. We suppose that no one will contend, that either of these acts would be *constitutional*. They are different modes, by which South Carolina, in an extreme case, would exercise the right of revolution. Supposing either to be done and South Carolina erected into an independent sovereignty, the city of Charleston, if driven by the rest of the State to extremity, would have the same right to constitute itself a separate Commonwealth—a new sovereignty;—and when this had taken place, every citizen and every slave in the city, would have a right, at his peril, if he chose, to make war on the rest of the people, to constitute himself an independent sovereign. But these rights are all natural, not constitutional and they are



rights, which Constitutions can as little recognise, as they can invalidate. They cannot be taken away, for they belong to our nature. They cannot be recognised by a Constitution, for they dissolve the social compact.

We should be disposed to reason much in the same way on the proposition, that the States, being the parties to the compact, must judge, each for itself, when it is infringed. If by this be meant, that the State Legislatures may express judgments on this subject, it is the case just considered. If it be meant, that the people of each State must judge for themselves, when their rights, as such, are invaded, we do not know that we should contest it. It has been said, by a writer, whom we shall quote more particularly in the sequel, (Mr. Mc Duffie,) that 'the States as political bodies have no original inherent rights.\*' We will not now discuss that proposition, although it is very ingeniously stated, and connects itself, we think, with sound views of general politics. But it may, we think, be safely said, that the people of the several States, as such, have very few rights so peculiar, that they alone are the competent judges of their infraction. What right, for instance, has South Carolina, so peculiar, that she alone can judge as a people, whether it is invaded? Still, if the people of South Carolina, as such, have any peculiar rights, we admit, that they alone can judge for themselves of their infraction. But to what does such a proposition amount? Every man, and every body of men, that judges at all, must judge for himself or themselves. Nobody *can* do it for them; it is an act of the judging capacity. A man may follow another's judgment; that is, he may himself judge, that on any subject his friend's opinion is sound. If the doctrine in question, then, mean only that the people of a State can alone form a correct opinion, whether rights peculiar to themselves have been invaded, it is a sound, but exceedingly inconsequential proposition.

But South Carolina is not raising her voice for these metaphysical subtleties. She claims a substantial power, a right *to do* something; but what it is, may not perhaps be matter of agreement among those who agree in the claim.

The following extracts, however, will probably be consid-

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\* National and State Rights Considered, by 'One of the People,' in reply to 'The Trio.' Charleston. 1821.

ered as stating, in the most authentic form, precisely what the nullification doctrine is. Mr. Hayne, in his second speech, says,

‘ But what then? asks the gentleman. A State is brought into collision with the United States, in reference to the exercise of unconstitutional powers; who is to decide between them? Sir, it is the common case of difference of opinion between sovereigns, as to the true construction of a compact. Does such a difference of opinion necessarily produce war? No. And if not among rival nations, why should it do so among friendly States? In all such cases, some mode must be devised by mutual agreement, for settling the difficulty; and most happily for us, that mode is clearly indicated in the Constitution itself, and results indeed from the very form and structure of the Government. The creating power is three fourths of the States. By their decision, the parties to the compact have agreed to be bound, even to the extent of changing the entire form of the Government itself; and it follows of necessity, that in a case of deliberate and settled difference of opinion between the parties to the compact as to the extent of the powers of either, resort must be had to their common superior, (that power which may give any character to the Constitution they may think proper,\*) viz. three fourths of the States. \* \* \* \*

‘ But it has been asked, why not compel a State, objecting to the constitutionality of a law, to appeal to her sister States, by a proposition to amend the Constitution? I answer, because such a course would, in the first instance, admit the exercise of an unconstitutional authority, which the States are not bound to submit to, even for a day; and because it would be absurd to suppose, that any redress would ever be obtained, by such an appeal, even if a State were at liberty to make it. If a majority of both houses of Congress should, from any motive, be induced deliberately to exercise “powers not granted,” what prospect would there be of “arresting the progress of the evil,” by a vote of three fourths? But the Constitution does not permit a minority

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\* We cannot refrain from expressing the opinion, that the doctrine here advanced, as to the extent of the amending power, is wholly unsound; and in its consequences, it is surely open to all the objections urged by Mr. Hayne against the competency of the Supreme Court of the United States, to settle constitutional questions. Suppose three quarters of the twenty-four States should agree in an amendment of the Constitution, limiting the six smallest States of the Union to one Senator each. Would such an amendment be binding? We apprehend no more so, than an amendment made in defiance of the express reservations of the Constitution.

to submit to the people a proposition for an amendment of the Constitution. Such a proposition can only come from two thirds of the two Houses of Congress, or the Legislatures of two thirds of the States. It will be seen, therefore, at once, that a minority, whose constitutional rights are violated, can have no redress by an amendment of the Constitution. When any State is brought into direct collision with the Federal Government, in the case of an attempt by the latter to exercise unconstitutional powers, *the appeal must be made by Congress, (the party proposing to exert the disputed power,) in order to have it expressly conferred, and until so conferred, the exercise of such authority must be suspended.*'

The following is the manner in which the doctrine is stated by Colonel Drayton, in his speech at the Charleston dinner :

'Our citizens, suffering under an act, which a great majority of them believe to be unconstitutional, have naturally been led to deliberate on the steps which ought to be taken, under circumstances so critical and momentous. Of the expedients proposed, that which seems most generally to be relied upon, is, through the medium of the Legislature, or of a convention chosen by the people, to nullify the obnoxious law, or in other words, to declare it unconstitutional ; and to absolve our citizens from obedience to it, unless a contrary decision should be pronounced by three fourths of the Legislatures of the several States, or by a convention of the people in the same number of States.'

Supposing this to be the definition of the nullifying power, we will first observe, that it wholly fails of the support of the Virginia and Kentucky Resolutions. Those Resolutions, ascribed respectively to Mr. Madison and to Mr. Jefferson, have occupied the front rank in the authorities quoted in favor of the nullifying doctrine. Mr. Hayne, in his first speech, in reply to Mr. Webster, confines himself to this authority ; and in his second speech, it is the most prominent topic of argument. Mr. Mc Duffie, in his few observations on the subject, in the speech above cited, appeals to no other authority ; and generally speaking, the greatest pains are taken, and the strongest desire evinced, to identify the South Carolina doctrine of 1828, with the Virginia doctrine of 1798.

We repeat, then, that if the South Carolina doctrine be what Mr. Hayne and Colonel Drayton define it, viz. the right of a State to suspend the operation of a law of the General Government, till Congress has procured an amendment of the Constitution,



granting the power to enact such a law, the Resolutions of Virginia and Kentucky give no authority to such a doctrine.\*

The Virginia Resolutions were occasioned by the Alien and Sedition Laws; and the second of them is expressed in the following terms:

‘That this assembly doth explicitly and peremptorily declare, that it views the powers of the Federal Government as resulting from the compact, to which the States are parties; as limited by the plain sense and intention of the instrument constituting that compact; as no farther valid, than they are authorized by the grants enumerated in that compact; and that in case of a deliberate, palpable, and dangerous exercise of other powers, not granted by the said compact, the States who are parties thereto have a right, and are in duty bound, to interpose for arresting the progress of the evil: and for maintaining, within their respective limits, the authorities, rights, and liberties appertaining to them.’

This is the authority of the Virginia Resolutions. It goes only to a right of the States, (not, it will be observed, the State Legislatures,) *to interpose to arrest the evil*. This then settles nothing, as to the mode of interposition; and it is very clear, that if it is a constitutional right, it must be exercised in a constitutional mode; and till the contrary be shown, we are bound to suppose that the Virginia Resolution contemplated nothing but constitutional modes of resistance. This is not left to inference. The *seventh* resolution is in the following words:

‘That the good people of this Commonwealth, having ever felt and continuing to feel the most sincere affection to their brethren of the other States, the truest anxiety for establishing and perpetuating the union of all, and the most scrupulous fidelity to that Constitution, which is the pledge of mutual friendship and the instrument of mutual happiness, the General Assembly doth solemnly appeal to the like dispositions of other States, in confidence that they will concur with this Commonwealth, in declaring, as it does hereby declare, that the acts aforesaid are unconstitutional, and that the necessary and proper measures will be taken by each, for co-operating with this State in maintaining unimpaired

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\* We are prevented by want of space from remarking on the extreme inadequateness of the remedy proposed for a case, in which a sovereign State is oppressed by the General Government, viz. that whenever three quarters of the States conspire, the States in the minority must submit. This remedy appears to us open to all the objections made to the ordinary construction of the Constitution.

the authorities, rights, and liberties reserved to the States respectively and the people.'

Here the States are exhorted to concur with Virginia, in declaring the laws unconstitutional. That of itself is no more than a protest, and though in our view of the subject open to exception, a measure, as we have said, not worth contesting. But then the States were also called on by Virginia, to adopt, each of them, 'the necessary and proper measures' for remedying the evil of these laws; and before the Virginia Resolutions can be appealed to, as authority for the South Carolina doctrines, it must be shown, or rendered probable, that among 'these necessary and proper measures' was that of refusing obedience to the law, till two thirds of the States had sanctioned it by an amendment of the Constitution. Is there a shadow of proof or presumption, that this was the fact? On the contrary, there is the strongest proof against it. These resolutions were communicated to the several States, and by many of them resolutions were passed, expressing dissent from the doctrines contained in them. In no one of these resolutions, is there any hint, that such was the purport of the Virginia doctrine; although it would have been natural for the States opposed to Virginia, highly dissatisfied as they were with her course, to represent it in a light as obnoxious as they could, with truth. But the proof does not stop here. In the session of the Virginia Assembly, following that when the resolves were passed, the responsive resolutions of the other States were referred to a committee, and from this committee Mr. Madison made his famous Report, reaffirming the principles of the resolutions of 1798. Toward the close of this Report, he is led to inquire into the objections to the seventh resolution, and on this subject he speaks as follows:

'It is lastly to be seen, whether the confidence expressed by the resolution, that the *necessary and proper measures* would be taken by the other States, for co-operating with Virginia in maintaining the rights reserved to the States, or to the people, be in any degree liable to the objections which have been raised against it.

'If it be liable to objection, it must be because either the object or the means are objectionable.

'The object being to maintain what the Constitution has ordained, is in itself a laudable object.

'The means are expressed in the terms "the necessary and

proper measures." A proper object was to be pursued, by means both necessary and proper.

'To find an objection, then, it must be shown that some meaning was annexed to these general terms, which was not proper ; and, for this purpose, either that the means used by the General Assembly were an example of improper means, or that there were no proper means to which the terms could refer.

'In the example given by the State, of declaring the alien and sedition acts to be unconstitutional, and of communicating the declaration to the other States, no trace of improper means has appeared. And if the other States had concurred in making a like declaration, supported too by the numerous applications flowing immediately from the people, it can scarcely be doubted, that these simple means would have been as sufficient, as they are unexceptionable.

'It is no less certain, that other means might have been employed, which are strictly within the limits of the Constitution. The Legislatures of the States might have made a direct representation to Congress, with a view to obtain a rescinding of the two offensive acts ; or, they might have represented to their respective Senators in Congress, their wish, that two thirds thereof would propose an explanatory amendment to the Constitution ; or two thirds of themselves, if such had been their option, might, by an application to Congress, have obtained a convention for the same object.

'These several means, though not equally eligible in themselves, nor probably, to the States, were all constitutionally open for consideration. And if the General Assembly, after declaring the two acts to be unconstitutional, the first and most obvious proceeding on the subject, did not undertake to point out to the other States, a choice among the farther measures that might become necessary and proper, the reserve will not be misconstrued by liberal minds into any culpable imputation.'

Here we see what sort of *means* were contemplated. They were, first, *declarations* that the laws were unconstitutional ; secondly, *direct representations* from the Legislatures of the States to Congress, to obtain the repeal of the laws ; thirdly, *requests to their Senators* in Congress to propose an amendment of the Constitution ; fourthly, a concurrence of two thirds of the States to apply to Congress for a convention to amend the Constitution. These are all the measures which Mr. Madison suggests, and he introduces them by saying, that they are all 'within the limits of the Constitution.'

But there are one or two other interesting facts, connected



with these resolutions. Great industry has been exerted to connect the terms *nullifying* and *nullification* with the Virginia Resolutions. Mr. McDuffie, in his speech above referred to, after quoting the Kentucky Resolution of 1799, 'a resolution drawn up (he says) by the hand of Thomas Jefferson,'—which we shall presently make probable not to be the fact,—in which resolution, 'nullification by the sovereign States is declared to be the rightful remedy for unauthorized acts of the General Government,' adds, 'the celebrated resolutions of Virginia maintain the same doctrine, in language equally explicit.' We have seen how far short the Virginia Resolutions come of this. But the case is very strong the other way. As those resolutions were originally drafted, the seventh of them set forth, that the Alien and Sedition Acts 'are unconstitutional, *and not law, but utterly NULL, void, and of no effect.*' The words in italics were, on motion of Mr. Taylor, of Caroline, who introduced the resolutions, stricken out, and as appears from the contemporaneous report, without a division.\* So far, then, are these resolutions from sanctioning, in explicit language, the doctrine of *nullification*, that, in the only case where the word *null* appeared in them, it was stricken out, by general consent.

We will mention another amendment, which was made in these resolutions on their passage. The third resolution, as reported, ran, 'that this assembly doth explicitly and peremptorily declare, that it views the powers of the Federal Government as resulting from the compact, to which the States *alone* are parties.' This word *alone* was struck out, on the suggestion of Mr. Giles. It had been said, that the *people only* were parties to the compact; and the resolutions declared that the States alone were parties. Mr. Giles said, 'the General Government was partly of each kind;' and on this ground the word *alone* was stricken out.

If the people of the United States are in any degree parties to the compact, it will go very hard with the doctrine of nullification, which rests on the unsound theory, that the States are the only parties; and that the Union is a mere confederacy.

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\* Debates in the House of Delegates of Virginia, upon certain Resolutions before the House upon the important subject of the Acts of Congress passed at their last session, commonly called the Alien and Sedition Laws. Richmond. Printed by Thomas Nicolson. 1798. pp. 171, 172.

Mr. Hayne even compares the Constitution to a treaty between friendly sovereigns.

We will say another word of the Virginia Resolutions. We believe they contemplated and inculcate none but constitutional means, and intended to effect nothing but the repeal of the obnoxious laws, in the ordinary course of legislation, or by an amendment of the Constitution. Like the report of 1799 in defence of them, they are couched in temperate language, and breathe nothing but attachment to the Union. At the same time, it must be remembered, that they were the product of heated times. The country was then about equally divided into two parties, already excited, and daily becoming more inflamed in the contest. These resolutions emanated from the distinguished statesmen who led the republican party, then out of office; and who filled its two highest posts, on the change in the administration, which shortly ensued. We appeal,—not to heated partisans, but to candid men of all sides,—whether it is to such a period, and to such movements, that a wise politician would look for the most settled opinions, even of the men who directed those movements. At the same time, we must repeat, that the Virginia Resolutions and Report are written with a coolness and temper truly astonishing, when the time and circumstances are considered,—and worthy, in this respect, of being followed more closely as a precedent, than they have been in South Carolina, by the politicians who think they find a warrant for their doctrines in these resolutions.

These resolutions passed by a vote of one hundred to sixty-three, in the Virginia Assembly; a majority far from overwhelming, on such a question. Among those opposed to them, in the community at large, were some of the brightest names in the catalogue of the friends of State rights. We recommend to the consideration of our readers, and especially of our Southern readers, the following extract from a most valuable pamphlet, the production of a citizen of South Carolina, who does honor to his native State and his country.\*

‘Patrick Henry, in his last speech against the Constitution, had said, in 1788, (Wirt’s Life, p. 297,) “If I shall be in the minority, I shall have those painful sensations, which arise from

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\* Speech of Thomas S. Grimké, delivered in December, 1828, on the Constitutionality of the Tariff, and the true nature of State Sovereignty. p. 6.

the conviction of being overpowered in a good cause. Yet I will be a peaceable citizen. My head, my hand, and my heart shall be free to retrieve the loss of liberty, and remove the defects of that system, in a *constitutional way*. I wish not to go to violence ; but will wait with hopes, that the spirit, which predominated in the Revolution is not yet gone, nor the cause of those who are attached to the Revolution yet lost. I shall, therefore, patiently wait, in expectation of seeing that government changed, so as to be compatible with the safety, liberty, and happiness of the people."

' What Patrick Henry meant by this "constitutional way," is explained in his speech to the people, at the election in 1798 ; for, although he was then nearly sixty-three, he offered himself as a candidate for the House of Delegates ; because he believed the sentiments and conduct of his own Virginia, in relation to the Alien and Sedition Laws, to be unconstitutional, and dangerous. He said to the people,

" That the late proceedings of the Virginia Assembly had filled him with apprehensions and alarm ; that they had planted thorns upon his pillow ; that they had drawn him from that happy retirement, which it had pleased a bountiful Providence to bestow, and in which he had hoped to pass, in quiet, the remainder of his days ; that the State had quitted the sphere in which she had been placed by the Constitution ; and in daring to pronounce upon the validity of federal laws, had gone out of her jurisdiction in a manner not warranted by any authority, and in the highest degree alarming to every considerate man ; that such opposition, on the part of Virginia, to the acts of the General Government, *must* beget their enforcement by military power ; that this would probably produce civil war ; civil war, foreign alliances ; and that foreign alliances must necessarily end in subjugation to the powers called in." Mr. Henry, proceeding in his address to the people, asked, " whether the county of Charlotte would have any authority to dispute an obedience to the laws of Virginia ; and he pronounced Virginia to be to the Union, what the county of Charlotte was to *her*. Having denied the right of a State to decide upon the constitutionality of federal laws, he added, that perhaps it might be necessary to say something of the merits of the laws in question. His private opinion was, that they were "*good and proper*." But, whatever might be their merits, it belonged to the *people*, who held the reins over the head of Congress, and to *them alone*, to say whether they were acceptable or otherwise to Virginians ; and that this must be done by way of *petition*. That Congress were as much our representatives as the Assembly, and had as good a right to our confidence. He



had seen with regret the unlimited power over the purse and sword consigned to the General Government; but he had been overruled, and it was now necessary to submit to the constitutional exercise of that power. If, said he, I am asked what is to be done when a people feel themselves intolerably oppressed, my answer is ready:—*Overturn the Government*. But do not, I beseech you, carry matters to this length, without provocation. Wait at least until *some* infringement is made upon your rights, and which cannot otherwise be redressed; for if ever you recur to another change, you may bid adieu forever to representative Government. You can never exchange the present Government, but for a monarchy.”—*Wirt's Life of Henry*. pp. 393—395.

When the resolutions of Virginia were communicated to the other States, they were disapproved in counter-resolutions, by Delaware, Rhode-Island, Massachusetts, New-York, Connecticut, New-Hampshire, and Vermont. We mention these States, as being those whose counter-resolutions are appended to the Virginia Report of 1799. That other States not enumerated did not approve them, we take for granted. That any State responded to them, besides Kentucky, does not appear from any document within our reach. We believe no State but Kentucky concurred. It is stated particularly by Mr. Grimké, in his Speech above cited, page 4, that ‘South Carolina took no part in the sentiments and conduct of Virginia in 1798, in reference to the Alien and Sedition Laws.’

It also deserves grave reflection, that whatever sanction the authority of Messrs. Jefferson and Madison might give to the South Carolina doctrine in theory, they give it none in its application. The Virginia Resolutions limit the right of a State to interpose, to cases of deliberate, palpable, and dangerous violations of the Constitution. The all-important question will then recur, is South Carolina now interposing in the case of *such* a violation of the Constitution? And in answer to this question, we find both Mr. Jefferson and Mr. Madison, not only not regarding the tariff laws as unconstitutional, but recommending them, in their highest official acts, from the year 1789 down. It is true that Mr. Jefferson, at a late period of his life, expressed opinions, that deliberate, palpable, and dangerous violations of the Constitution had lately been committed; but the tariff laws were not the acts to which he more particularly referred. In his letter to Mr. Giles, of December 26,

1825, quoted by Mr. Hayne, there is a reference to the tariff laws 'as an indefinite assumption of power over agriculture and commerce,' but in the protest proposed about the same time, for the Legislature of Virginia, in 1825, we perceive no distinct allusion to the tariff. Mr. Hayne observes, that in that protest Mr. Jefferson declares 'the powers exercised by the General Government, in reference to the tariff and internal improvements, to be usurpations of the powers retained by the States, mere interpolations into the compact, direct infractions of it.' Upon looking into that paper, however, we find no certain allusion to the tariff. Internal improvement is the great specified grievance. At all events, we think, no judicious friend of Mr. Jefferson's memory could wish to make it appear, that in 1825, he maintained the tariff laws to be a violation of the constitution. Between such a sentiment and those contained in nearly all his messages and in his letters to Mr. Austin and Leiper, there is too wide a discrepancy, we think, to be reconciled to an honest diversity of opinion, on the same subject, contemplated at different times, under a change of circumstances. As to the Colonization Society, the project which more than any other appears to awaken the sensibilities of the South, Mr. Jefferson was warmly in favor of it, and in reply to the constitutional scruple held, 'that a *liberal* CONSTRUCTION justified by the object would go far, and an amendment to the Constitution, the whole length necessary,' and he leaves the subject '*with his admonition to rise and be doing.*' This is not the language of a man, who thought that the patronage of this society by the general government was a deliberate, palpable, and dangerous violation of the compact.

We will now revert to the Kentucky resolutions of 1798, which are admitted to have been drafted by Mr. Jefferson. In these resolutions, it is stated, that acts of Congress, made in virtue of powers not delegated, are 'unauthoritative, void, and of no force; that to this compact, [the Federal Constitution,] each State acceded as a State, and is an integral party; that the government created by this compact, was not made the exclusive or final *judge* of the extent of the powers delegated to itself; since that would have made its discretion and not the Constitution the measure of its powers; but that, as in all other cases of compact among parties having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress.'

This falls very far short of an 'explicit' avowal of any right of extra constitutional resistance. It authorises in no degree, the assertion, that the measures of redress contemplated by the Kentucky resolutions, went beyond 'the limits of the Constitution,' which Mr. Madison, in his report, declared to be the boundary of those contemplated in *his* resolution of 1798, viz. measures of protest, instruction to Senators, and amendment of the Constitution. It must be remembered, that those opposed to the Virginia and Kentucky resolutions denied the right of the State Legislatures to pass them. This ground was taken by Patrick Henry, as we have seen, in the passage cited from his speech above. To meet such an opinion, the Kentucky resolutions declare it to be the right of the States to select their means of redress; and Mr. Madison, in his report, argues, that before the resolutions can be objected to, it must be shown that the means of redress contemplated, were not within the limits of the Constitution; and then enumerates those we have just mentioned. Farther than this, the Kentucky resolutions of 1798 do not go, and that we do not overstate this matter, will abundantly appear, from the following extract from the able and instructive speech of Mr. Johnston, of Louisiana, on the resolution of Mr. Foot, p. 36.

'I hold in my hand a letter from George Nicholas, of Kentucky, in November, 1798. He was a conspicuous member of the Virginia Convention—an able lawyer and statesman—a distinguished Republican, and a leading and influential man, in the day of the Kentucky resolutions. I read from this letter, to show the views entertained then of the remedy against unconstitutional laws. "If you had been better acquainted with the citizens of Kentucky, you would have known, that there was no just cause to apprehend an improper opposition to the laws from them. The laws we complain of may be divided into two classes, those which we admit to be constitutional, but consider as impolitic, and those which we believe to be unconstitutional, and therefore do not trouble ourselves to inquire as to their policy, because we consider them as absolute nullities. The first class of laws having received the sanction of a majority of the representatives of the people of the States, we consider as binding on us, however we differ in opinion from those who passed them as to their policy; and although we will exercise our undoubted right of remonstrating against such laws, and demanding their repeal as far as our numbers will justify us in making such a demand; we will obey them with promptitude, and to the extreme of our abilities, so long as they continue in force. As to the second class



or the unconstitutional laws, although we consider them as dead letters, and therefore that we might legally use force in opposition to any attempts to execute them ; yet, we contemplate no means of opposition, even to those unconstitutional acts, but an appeal to the *real laws* of our country. As long as our excellent Constitution shall be considered as sacred, by any department of our Government, the liberties of our country are safe, and every attempt to violate them may be defeated by means of law, without force or tumult of any kind.”

Thus much for the Kentucky resolutions of 1798. In 1799, it was deemed necessary to revive the subject and reply to those States, which had denied the doctrines of the preceding year ; for no State as we have intimated in the Union had acceded to them. Accordingly, on the 14th of November, 1799, a new resolution was passed, in which it is said, that ‘ the several States, who formed that instrument, (the Constitution of the United States,) being sovereign and independent, have the unquestionable right to judge of its infraction, and, *that a nullification, by those sovereignties, of all unauthorised acts, done under color of that instrument, is the rightful remedy.*’

From this sentence is derived the appellation, which is given to the South Carolina doctrine ; and on this sentence rests the claim of the sanction given by the resolutions of Messrs. Madison and Jefferson to that doctrine by that name.

To give assurance to this sanction, the Kentucky resolutions of 1799 are ascribed to Mr. Jefferson. Mr. Hayne, in his speech at the Charleston dinner, says that ‘ they are generally attributed to Mr. Jefferson ;’ Mr. McDuffie says, ‘ they were penned by his hand ;’ and the editor of the *Banner of the Constitution*, in republishing them, in his paper of 10th April last, together with the Virginia resolutions, gives them jointly the title of ‘ the Resolutions of Virginia and Kentucky, penned by Madison and Jefferson.’ What it is of importance to state thus repeatedly and confidently, it is of importance to state correctly. We do not say that this Kentucky resolution of 1799, (for there is but one of that year,) certainly was not written by Mr. Jefferson ; but we say there is a strong probability that it was not. It passed the House of Representatives of Kentucky on the 14th November, 1799. We have a letter of Mr. Jefferson, of the 5th of September, preceding, to Wilson Cary Nicholas, from which we make the following extracts.

‘I had written to Mr. Madison, as I had before informed you, and had stated to him some general ideas for consideration and consultation, when we should meet. I thought something essentially necessary to be said, in order to avoid the inference of acquiescence;\* that a resolution or declaration should be passed, answering the reasons of such of the States, as had ventured into the field of reason; taking some notice too of those States, who have either not answered at all, or answered without reasoning. 2d. Making firm protestation against the precedent and principle, and *reserving* the right to make this palpable violation of the Federal compact the ground of doing in future, whatever we might now rightfully do, should repetitions of these and other violations of the compact render it expedient. 3d. Expressing, in affectionate and conciliatory language, our warm attachment to union with our sister States, and to the instrument and principles by which we are united, &c. \* \* \*

‘This was only meant to give a general idea of the complexion and topics of such an instrument. Mr. Madison, who came, as had been proposed, does not concur in the *reservation* proposed above; and from this I recede readily, not only in deference to his judgment, but because, as we should never think of *separation*, but for repeated and enormous violations, so these, when they occur, will be cause enough of themselves. \* \* \*

‘*As to preparing any thing I must decline it*, to avoid suspicions, (which were pretty strong in some quarters on the late occasion,) and because there remains still (after their late loss) a mass of talents in Kentucky, sufficient for every purpose. \* \* \* How could you better while away the road from hence to Kentucky, than in meditating this very subject, and preparing something yourself, than whom nobody will do it better?’

This letter makes it highly probable, that Wilson Cary Nicholas wrote the Kentucky resolution of 1799, if it is absolutely necessary to suppose that it came from Virginia; it makes it highly improbable that Mr. Jefferson wrote that resolution; and consequently, till proof or stronger presumption to the contrary is produced, there is no ground for quoting the Kentucky resolutions, drafted by Mr. Jefferson, as authority for the term ‘nullification.’

But to leave the term and go to the thing, we cannot but express our surprise, that this resolution of Kentucky in 1799, should be thought to hold out a warrant, for the new South Caro-

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\* Mr. Jefferson means acquiescence in the objections of the other States to the Kentucky resolutions of 1798.

lina doctrine of a right to suspend or annul the action of a law of the General Government. The resolution is limited in terms to a protest, and concludes in that alone, and in the following words :

‘ That though this Commonwealth, as a party to the Federal compact, will bow to the laws of the Union, yet it does at the same time declare, that it will not now, nor ever hereafter, cease to oppose, *in a constitutional manner*, every attempt, from what quarter soever offered to violate that compact ; and finally, in order that no pretexts or arguments may be drawn from a supposed acquiescence, on the part of this commonwealth in the constitutionality of those laws, and be thereby used as precedents for similar future violations of the Federal compact, this Commonwealth does now enter against them its *solemn protest*.’

This South Carolina has done two years since against the tariff laws, (having dropped, from her protest, we know not why, the Colonization Society and Internal Improvements in the list of grievances ;) and has thus exhausted the Kentucky precedent. After having thus gone over the ground of these famous resolutions, we again repeat, that they furnish no warrant for any course between the ordinary constitutional courses enumerated, and revolution or separation from the Union ; and Mr. Jefferson agreed, on Mr. Madison’s suggestion, to withdraw even a vague *reservation* of a future right to *do something*, because *separation* should only be resorted to as the remedy of extreme and often repeated cases of violation of the compact.

Before we quite leave this topic, we would observe, that, in the debate in the Virginia Assembly by which these resolutions were adopted, all idea of force, or of proceeding in an unconstitutional manner, was expressly disclaimed, and by no one more distinctly than by Mr. Taylor, of Caroline, the mover of the resolutions. Extracts from the debate showing this, may be found in Mr. Johnston’s speech, page 16 ; they are here of necessity omitted.

We have already said, that we believe Kentucky and Virginia stood alone in 1798 and 1799, in the matter of these resolutions. It is a period to which our personal recollections do not extend, but we speak in the absence of all evidence that any other State co-operated with them. Mr. Mc Duffie, in his speech last winter, observed, that ‘ Pennsylvania adopted similar resolutions at a subsequent period,’ remarking,



at the same time, we believe, that this was a fact not generally known. If any thing else is alluded to, than the Pennsylvania resolutions in Olmstead's case, we are unacquainted with it. That case is now of general notoriety, and its bearings on this subject are so important, that it ought not to be omitted here.

Before quoting it, we would observe, that one great point in the present controversy, as in that of 1798 and 1799, is the constitutional competence of the Supreme Court of the United States to decide all questions of law or equity, arising under the Constitution and laws of the United States. It is contended, on the one hand, that the Supreme Court is the tribunal provided by the compact to settle the constitutionality of laws. On the other hand, it is maintained, that the province of the Supreme Court is confined to judicial questions, in the ordinary acceptation of that term, and does not apply to matters connected with the sovereignty of the States; and that if it did, *the General Government would be made the judge of its own powers.*

We propose presently to say a few words on this argument (in which we think a fallacy, fatal to the whole doctrine, is concealed); but we will observe here, that, though we admitted in its amplest form, all that the Virginia doctrine of 1798 and the South Carolina doctrine of 1828 contends for, relative to the Supreme Court, it would in no degree strengthen the nullifying doctrine. The Virginia resolutions deny, that the Supreme Court is the sole tribunal competent to decide questions, touching breaches of the compact, and claim that the States must decide for themselves. But what then? A State having decided that a law of Congress is unconstitutional, has a right, according to the Virginia resolutions, to protest against it, to demand of Congress to rescind it, to call on the sister States to concur in these measures, to endeavor to procure a convention, and amend the Constitution, and to instruct its United States' Senators to endeavor to procure an amendment. And if redress is not obtained, what then? Then on the Virginia doctrine comes *separation*, that is, revolution and civil war, if the other States please. This, we say, is the Virginia doctrine of 1798 and 1799. The South Carolina doctrine is, that the State legislatures are rightfully judges of the constitutionality of laws of the United States; and that when one State judges a law to be unconstitutional and nullifies it, its operation is suspended till Congress has procured a ratifica-

tion of it, by an amendment of the Constitution ; and that the Supreme Court of the United States is not competent to judge of questions involving State sovereignty.

We proceed now to Olmstead's case, a great and instructive one. This was a case running back historically to the year 1775. The history is too long to be here repeated ;\* it is sufficient to say, that in 1803, the legislature of Pennsylvania passed a special act, to protect certain persons against a judgment of the Circuit Court of Pennsylvania, in consequence of which and to avoid collision, the proceedings of that court were stayed. On the application of the parties interested, a *mandamus nisi* was issued to Judge Peters, by the Supreme Court of the United States, returnable at the next term. The cause shown by Judge Peters was the act of Pennsylvania, of 1803, directing the Governor to use such means as he might think necessary, for the protection of 'the just rights of the State,' and also to protect the persons and property of the said executrixes of David Rittenhouse, deceased, against any process whatever, issued out of any federal court, in consequence of their obedience to the requisition of said act.' After a masterly review of the case, the Chief Justice decreed a peremptory *mandamus*. This decision of the court was communicated by Governor Snyder to the legislature ; and his message was referred to a committee of the Senate of Pennsylvania, which, after a historical deduction of the case, reported the following resolutions, which were adopted. An attempt was made by the Governor to enforce the State act, by calling out the militia, but it proved abortive, and the process of the Circuit Court took effect.

'Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania, &c. that as a member of the Federal Union, the legislature of Pennsylvania acknowledges the supremacy, and will cheerfully submit to the authority of the General Government, as far as that authority is delegated by the Constitution of the United States. But whilst they yield to this authority, when exercised within constitutional limits, they trust they will not be considered as acting hostile to the General Government, when, as guardians of the State rights, they cannot

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\* It may be seen in the 'Whole Proceedings in the Case of Olmstead and others *vs.* Rittenhouse's Executrices, by R. Peters, Jun. Philadelphia, 1809,' and in 5 Cranch, 115.

permit an infringement of those rights by an unconstitutional exercise of power in the United States courts.

‘Resolved, that in a Government like that of the United States, where there are powers granted to the General Government, and rights reserved to the States, it is impossible, from the imperfection of language, so to define the limits of each, that difficulties should not sometimes arise, from the collision of powers; and it is to be lamented, that no provision is made in the Constitution, for determining disputes between the General and State Governments, by an impartial tribunal, when such cases occur.

‘Resolved, that from the construction the United States courts give to their powers, the harmony of the States, if they resist encroachments on their rights, will frequently be interrupted; and if to prevent this evil, they should, on all occasions, yield to stretches of power, the reserved rights of the States will depend on the arbitrary power of the courts.

‘Resolved, that should the independence of the States, as secured by the Constitution be destroyed, the liberties of the people, in so extensive a country, cannot long survive. To suffer the United States courts to decide on State rights, will from a bias in favor of power, necessarily destroy the federal part of our Government; and whenever the Government of the United States becomes consolidated, we may learn from the history of other nations what will be the event.

‘To prevent the balance between the General and State Governments from being destroyed, and the harmony of the States from being interrupted,

‘Resolved, that our Senators in Congress be instructed, and our Representatives requested, to use their influence to procure an amendment to the Constitution of the United States, that an impartial tribunal may be established, to determine disputes between the General and State Governments; and that they be further instructed to use their endeavors, that in the meanwhile such arrangements may be made, between the Government of the Union and of this State as will put an end to existing difficulties.

‘Resolved, that the Governor be requested to transmit a copy of these resolutions, together with the foregoing statement, to the Executive of the United States, to be laid before Congress, at their next session. And that he be authorised and directed to correspond with the President on the subject in controversy, and to agree to such arrangements, as it may be in the power of the Executive to make, or that Congress may make, either by the appointment of Commissioners or otherwise, for settling the difficulties between the two governments.



‘Resolved, that the Governor be also requested to transmit a copy to the Executives of the several States in the Union, with a request that they may be laid before their respective Legislatures.’

These resolutions were approved by Governor Snyder on the 3d of April, 1809, and sent in the usual manner, to the several States of the Union. We have before us, in the legislative journals of Pennsylvania, the responses of New Hampshire, Vermont, North Carolina, Virginia, Maryland, Georgia, Tennessee, Kentucky, New Jersey, all in opposition to the proposed amendment, and no one in favor of it. The doings of Virginia are too important to be omitted, and are as follows. We quote them from Note 3, to Mr. Webster’s speech.

‘The following resolutions of the Legislature of Virginia bear so pertinently and so strongly on this point of the debate, that they are thought worthy of being inserted in a note, especially as other resolutions of the same body are referred to in the discussion. It will be observed, that these resolutions were unanimously adopted in each House.

#### VIRGINIA LEGISLATURE.

‘*Extract from the Message of Governor Tyler of Virginia, December 4, 1809.*

“A proposition from the State of Pennsylvania is herewith submitted, with Governor Snyder’s letter accompanying the same, in which is suggested the propriety of amending the Constitution of the United States, so as to prevent collision between the Government of the Union and the State Governments.”

#### HOUSE OF DELEGATES.

*Friday, December 15, 1809.*

‘On motion, ordered, that so much of the Governor’s communication as relates to the communication from the Governor of Pennsylvania, on the subject of an amendment proposed by the Legislature of that State to the Constitution of the United States, be referred to Messrs. Peyton, Otey, Cabell, Walker, Madison, Holt, Newton, Parker, Stevenson, Randolph (of Amelia), Cocke, Wyatt and Ritchie.—*Journal*, p. 25.

*Thursday, January 11, 1810.*

‘Mr. Peyton, from the committee to whom was referred that part of the Governor’s communication, which relates to the amendment proposed by the State of Pennsylvania to the Constitution of the United States, made the following Report :

‘The committee to whom was referred the communication of the Governor of Pennsylvania, covering certain resolutions of

the Legislature of that State, proposing an amendment of the Constitution of the United States, by the appointment of an impartial tribunal to decide disputes between the States and the Federal Judiciary, have had the same under their consideration, and are of opinion that a tribunal is already provided by the Constitution of the United States, to wit, the Supreme Court, more eminently qualified from their habits and duties, from the mode of their selection, and from the tenure of their offices, to decide the disputes aforesaid in an enlightened and impartial manner, than any other tribunal which could be created.

'The members of the Supreme Court are selected from those in the United States, who are most celebrated for virtue and legal learning, not at the will of a single individual, but by the concurrent wishes of the President and Senate of the United States: they will therefore have no local prejudices and partialities. The duties they have to perform lead them necessarily to the most enlarged and accurate acquaintance with the jurisdiction of the Federal and State courts together, and with the admirable symmetry of our Government. The tenure of their offices enables them to pronounce the sound and correct opinions they may have formed, without fear, favor, or partiality.

'The amendment to the Constitution proposed by Pennsylvania seems to be founded upon the idea, that the Federal Judiciary will, from a lust of power, enlarge their jurisdiction to the total annihilation of the jurisdiction of the State courts; that they will exercise their will, instead of the law and the Constitution.

'This argument, if it proves any thing, would operate more strongly against the tribunal proposed to be created, which promised so little, than against the Supreme Court, which, for the reasons given before, have every thing connected with their appointment calculated to ensure confidence. What security have we, were the proposed amendment adopted, that this tribunal would not substitute their will and their pleasure, in place of the law? The Judiciary are the weakest of the three departments of Government, and least dangerous to the political rights of the Constitution; they hold neither the purse nor the sword; and even to enforce their own judgments and decisions must ultimately depend upon the executive arm. Should the Federal Judiciary, however, unmindful of their weakness, unmindful of the duty which they owe to themselves and their country, become corrupt, and transcend the limits of their jurisdiction, would the proposed amendment oppose even a probable barrier in such an improbable state of things?

'The creation of a tribunal, such as is proposed by Pennsyl-

vania, so far as we are able to form an idea of it from the description given in the resolutions of the Legislature of that State, would, in the opinion of your Committee, tend rather to invite than to prevent collisions between the Federal and State courts. It might also become, in process of time, a serious and dangerous embarrassment to the operations of the General Government.

‘Resolved, therefore, that the Legislature of this State do disapprove of the amendment to the Constitution of the United States, proposed by the Legislature of Pennsylvania.

‘Resolved also, that his Excellency the Governor be and he is hereby requested to transmit forthwith, a copy of the foregoing preamble and resolutions, to each of the Senators and Representatives of this State in Congress, and to the Executives of the several States in the Union, with a request that the same be laid before the Legislatures thereof.

‘The said resolutions being read a second time, were, on motion, ordered to be referred to a committee of the whole House on the state of the Commonwealth.

*Tuesday, January 23, 1810.*

‘The House, according to the order of the day, resolved itself into a committee of the whole House on the state of the Commonwealth, and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Stanard (of Spottsylvania), reported, that the committee had, according to order, had under consideration the preamble and resolutions of the select committee to whom was referred that part of the Governor’s communication, which relates to the amendment proposed to the Constitution of the United States, by the Legislature of Pennsylvania, had gone through with the same; and directed him to report them to the House without amendment; which he handed in at the Clerk’s table.

‘And the question being put on agreeing to the said preamble and resolutions, they were agreed to by the House unanimously.

‘Ordered, that the Clerk carry the said preamble and resolutions to the Senate and desire their concurrence.

IN SENATE.

*Wednesday, January 24, 1810.*

‘The preamble and resolutions on the amendment to the Constitution of the United States, proposed by the Legislature of Pennsylvania, by the appointment of an impartial tribunal to decide disputes between the State and Federal Judiciary, being also delivered in and twice read, on motion, was ordered to be committed to Messrs. Nelson, Currie, Campbell, Upshur and Wolfe.



*Friday, January 26.*

‘Mr. Nelson reported, from the committee to whom was committed the preamble and resolutions on the amendment proposed by the Legislature of Pennsylvania, &c. &c. that the committee had according to order, taken the said preamble, &c. under their consideration, and directed him to report them without any amendment.

‘And on the question being put thereupon, the same was agreed to unanimously.’

Such was the fate of the Pennsylvania Resolutions. If this is the case, in which Pennsylvania is supposed to have affirmed the Kentucky and Virginia doctrines of 1798 and 1799, it must be admitted that these States, in 1809, made her but a cold return for her concurrence.

We have stated above, that a fallacy, fatal to the argument, is concealed in the proposition, that to allow the Supreme Court to be the exclusive judge of questions of constitutionality, between the General Government and the State Governments, would be to make the General Government, which is stated to be one party to the compact, the judge of its own powers. Mr. Webster, in his final brief rejoinder, pointed out the obvious defect in this reasoning, that, even admitting the theory that the Constitution is a compact, to which the States are parties, the General Government was not the other party, and consequently could not be spoken of as judging of its own powers; but was the form of government created by the various parties; and the question of course is, what is the tribunal provided by this compact, under the form of government established by it, to settle controversies? Supposing this to be the question, and waiving the inaccuracy of speaking of the General Government as one party, there appears to us an obvious fallacy in the argument. The answer to this question is, the Supreme Court of the United States is this tribunal, created by the people of the United States, or, if you please, by the States, to settle disputed points. The Supreme Court is not a tribunal created by the General Government; but with the other branches of the General Government, it is itself the creature (as we say) of the people, or (as South Carolina says) of the States. When therefore the Supreme Court decides a question, it is the people or the States (whichever you please), deciding a question, through the organs, which the people, or the States, have constituted. There is therefore

not the shadow of truth in the proposition, that to make the Supreme Court a judge in controversies between a State and Congress is to make the General Government judge of the extent of its own powers.

The South Carolina doctrine, denying that the Supreme Court is the judge, in constitutional controversies, maintains that each State must judge for itself; and that it is the right of each State to suspend the action of any law, which it deems unconstitutional, till two thirds of the other States have confirmed it. It is said, to be sure, that it must be a case of violation of the Constitution, deliberate, palpable, and dangerous; but as the State is also the sole judge of these conditions, the qualification, as observed by Mr. Webster, comes to nothing.

It is claimed, too, expressly, that this is a constitutional right reserved to the States, and indeed necessarily belonging to an independent State, entering into a federal compact.

It is an obvious objection, then, first, to such a doctrine, that this great organic function, transcending all the constitutional powers of the Government, is not *named* in the Constitution. It would seem that so tremendous a power, clothing Delaware, Rhode Island, or Illinois, with a constitutional right to suspend the operation of a law, which has received the sanction of each House of Congress, of the Executive, and of the Supreme Court, *ought to be expressly named in the Constitution*. That Constitution, (to which South Carolina, either as a State or as a portion of the American people, is a party,) has formally provided, that ‘this Constitution and the laws of the United States, which shall be made in pursuance thereof; and all treaties made or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges, in every State, shall be bound thereby, any thing in the Constitution or laws of any State to the contrary, notwithstanding.’ Here, however, South Carolina says there is *implied* this proviso, ‘*Provided*, however, that whenever any State shall deem any law unconstitutional, the same shall be held and taken to be unconstitutional, null, void, and of no effect, until such time as three fourths of the States shall have amended the Constitution, in such manner, as that the aforesaid law shall be constitutional.’

This proviso, it is plain, is, in a few lines, a new form of Government, the incongruity of which, in the mere statement, is so manifest, that we fear we shall scarcely be deemed seri-

ous in arguing upon it. But it is a doctrine which a great, enlightened, polished, patriotic State, is now convulsed to uphold.

We scarce know where to begin with the difficulties that surround it. It comes from politicians who think themselves the enemies of *implied* powers. Let any gentleman, who is disposed to favor this doctrine, put it into words to suit himself, and then point out, in the wildest visions of latitudinarian construction, an implied power, so remote from every granted or specified power, as that which would clothe every State with a standing right to suspend the operation of any and every law, till two thirds of the States had re-enacted it.

But it is said, this is a reserved right. Mr. Hayne, in his second speech, thus expresses himself :

‘ But I go farther, and contend, that the power in question may be fairly considered as reserved to the States by that clause of the Constitution, before referred to, which provides, “ that all powers not delegated to the United States, are reserved to the States respectively, or the people.” No doubt can exist, that before the States entered into the compact, they possessed the right, to the fullest extent, of determining the limits of their own powers,—it is incident to all sovereignty. Now have they given away that right, or agreed to limit or restrict it in any respect ? Assuredly not. They have agreed that certain specific powers shall be exercised by the General Government ; but the moment that Government steps beyond the limits of its charter, the right of the States “ to interpose for arresting the progress of the evil, and for maintaining, within their respective limits, the authorities, rights, and liberties, appertaining to them,” is as full and complete as it was before the Constitution was formed. It was plenary then, and having never been surrendered, must be plenary now.’

And immediately on this assertion of the reserved right of the States, to judge for themselves of the infractions of the compact, follows Mr. Hayne’s indication of the *modus operandi*, as already quoted.

We are not quite sure, that to speak of a reserved right to settle constitutional controversies, is not a contradiction in terms. The States undoubtedly possessed certain rights, before the Constitution was formed. Those rights, of course, had no reference to or connexion with the Constitution, which was not in existence. There could be no rights of the States, touching constitutional functions, and the order of enacting and repealing laws, till the Constitution was created.



If it be meant that, under the Confederation, the individual States possessed this right, it is sufficient to say, *first*, that the confederation was abolished by the Constitution, and no part of it retained, except by express provision; and *second*, that, under the old confederation, no *similar* power belonged to an individual State. On the contrary, though the action of the Government of the Confederacy was on the States and not on the citizens, 'every State was bound to abide by the determinations of the United States in Congress assembled, on all questions submitted to them.'

If it be finally meant, by a reserved right, that it is a constitutional right of *every* sovereign State, (for we grant, merely for the sake of argument, that the Constitution is a compact, to which the States *alone* are parties, a theory repudiated by Virginia in 1798) that enters into a constitutional compact, to judge when the acts of the functionaries created by the compact are against its provisions, the unsoundness of the proposition is too evident to be argued. Every constitutional compact of Government made by reasonable men, should provide for a tribunal to settle controversies. If this be omitted, (and it is such a *casus omissus* as it would be to omit the reasoning faculty in constituting an intellect,) then, we admit, the parties reserve to themselves the right, severally, of quitting the confederacy in case of disagreement; but this is not a constitutional right; it is a natural right. This is the common law of partnerships. Putting the Union, if you please, merely on the loose footing of a partnership; supposing it to be the slightest connexion in which bodies of men could live or act together; no one ever heard that any single partner could suspend the action of all the rest, till two thirds had consented to a modification or explanation of the articles. The utmost he can claim, is a right to quit the firm. The utmost that South Carolina can claim, is a right to quit the Union. It is the reserved right of separation; and all attempts to point out a middle constitutional course, between this extreme and desperate right and that of ordinary constitutional means of procedure, are labor and ingenuity wasted. That a school of politicians, professedly hostile to *implied* powers, should imply a power like this, goes almost beyond the limits of conceivable self-contradiction.

Again, let us view it on the ground of *State rights*. This new doctrine purports to come from the State Right school,

although we believe it would be rather difficult, genealogically to deduce its descent from that class of politicians. Be this as it may, it seems but a strange consequence of the doctrine of State rights, that one State has, at all times, a constitutional right to nullify the acts of the other twenty-three. It has lately been publicly proclaimed, by a respectable member of Congress of the South Carolina school, not merely with some air of exultation, but as an example to be imitated by South Carolina, that Georgia has nullified the treaties and the laws of Congress inconsistent with her supposed rights. His words are ;

‘By a law of the United States, the non-intercourse [intercourse] law, the President was authorised to prevent, by armed force, the intrusion of the whites upon the Indians. Yet, when Georgia became dissatisfied, and justly so, with the conduct of the Government, when she became assured that the Indian titles would never be extinguished, what was her remedy ? She abrogated, she nullified the treaty ; she reverted to her original sovereign right over her soil ; and extended, in defiance of all treaties, of all laws, her own jurisdiction over all persons within her limits. And what was the result ? Disunion ? No ! The tempest did rumble at a distance, but those fearless champions trembled not at its threatenings, and it passed away. Bloodshed ? No ! The crash of arms was heard—the tocsin of violence was sounded—but Georgia’s patriots were ready at their posts ; their feet were planted upon her boundary ; and their firm and lofty defiance achieved at once what their petitions, remonstrance, and appeals, had for years attempted in vain. They triumphed ! Here, then, is a precedent ; here was nullification ; nullification of a treaty of Congress—of a law of Congress—of the pretended law of the land. This is a precedent familiar to all. It is one on which we may confidently depend.’

Of these treaties several were ratified unanimously by the Senate of the United States ; by the Senators from Georgia and South Carolina among the rest. The treaty with the Cherokees of 1817 was negotiated by General Jackson and the Governor of Tennessee, ‘*as commissioners plenipotentiary of the United States of America.*’ It recited the purpose of the Cherokees, who remained east of the Mississippi, ‘to begin the establishment of fixed laws and a regular government.’ It assured to them ‘the patronage and good neighborhood of the United States.’ That treaty was unanimously ratified by the

sovereign States of this Union, Mr. Troup, as a Senator from Georgia, voting, on behalf of that State, for the ratification. And yet Georgia, a single sovereign State, has, as has been correctly said by Mr. Barnwell, nullified this act of the other sovereign States. But Georgia, of course, possesses no rights in this matter not possessed by any other and every other State. In other words, it is the right of any State to nullify any treaty or law of the United States, whenever that State (herself being the judge,) shall deem her sovereignty to be invaded, or the Constitution violated, or her reserved rights impaired by the treaty or law. That such a theory of Government should ever be admitted by wise men is marvellous; but that it should be admitted as a State right doctrine is indeed one of the things, of which we are ready to exclaim, *Credo quia impossibile est*.

We profess to be firm and ardent friends of the rights of individual States, and of the rights of individual men. It is to preserve these rights, that Governments are established; and in Governments the will of the majority is taken to be the will of the whole, because the majority contains the greatest number of individuals. The majority—as such—is entitled to no natural preference. The Government is not made for them; it is made for the individuals; it is because the majority consists of the greatest number of minorities, so to say, that it ought to govern. If a vital measure is at stake, and one hundred and one are for it, and ninety-nine against it, it is indeed an unfortunate circumstance, that on vital measures, opinions and interests should be so much divided; and it is common enough to hear it said, that it is hard, that such measures should be carried by slender majorities. But it is surely hard, that they should be carried by no majority at all; that is, that they should be decided against the majority. It is hard that one hundred and one should carry a measure against ninety-nine; but it is surely harder that ninety-nine should carry it against one hundred and one. The rights therefore of the individual, in the long succession of years, and in the infinite variety and crossing of questions, are best secured by the maxim, that the majority shall govern. He can never then be injured or successfully opposed by less than one half; but give to any less number than a majority the right to decide questions, and each individual is liable to be successfully opposed; by a third, a quarter, or a single individual, as the case may be.



So of States, acting as States in a confederacy. Nothing can be plainer than that all provisions, requiring any thing more than a majority, are so many encroachments on the rights of individual States. This is unquestionably a defect in the Federal Constitution. Two thirds of the Senators must concur to ratify a treaty. This is saying in effect, that the chances are nearly as two to one, that every treaty ought to be rejected. Is there any foundation, in political philosophy, for such a notion? A treaty is negotiated; there are forty-eight Senators; thirty-one are for it; seventeen against it; and it cannot be ratified. This is very favorable to the States represented by the seventeen; but how is it to the States represented by the thirty-one? This, however, is the Constitution; it is agreed to; and whether abstractly expedient, matters not now.

But then comes the nullifying doctrine and declares the right not of one third of the States to prevent two thirds from making a treaty, but of a single State to annul a treaty, which all the other States have made. And this is called State rights doctrine! It ought to be called the doctrine, whereby the greatest possible number of sovereign States may in the largest number of cases be prevented from exercising their rights, by the smallest assignable minority.

These are not cases of extreme hypothesis, they are conceivable, nay they are historical cases, cases that may happen, or cases that have happened. Georgia, Alabama, and Mississippi have nullified the intercourse law which is nearly coeval with the Government, and about fifty treaties. It is admitted; it is boasted of, and held up as a precedent to be depended on. Suppose Louisiana should hold with some very eminent politicians, that the Florida treaty gave away part of her territory. That treaty was unanimously ratified. May Louisiana nullify it, and extend her jurisdiction over Texas? Yes, says the nullifying school, and cheers her on to do it. But this is war against Mexico; and when Louisiana is at war with Mexico, what are the United States doing? Are they at peace or at war? If at war, are they at war with Mexico, and with Mexico's ally, Great Britain; whose Minister has lately told us, we shall not buy Texas, far less, we suppose, 'extend our jurisdiction over it,' without buying it?—Are we at a war, too, declared by one State? That is against the letter of the Constitution.

Another case. The last convention with Great Britain submits to arbitration a part of the State of Maine. This conven-

tion was, also, we believe, unanimously ratified by the Senate. Suppose the umpire, the King of the Netherlands, should decide that the disputed territory (being nearly as large as Massachusetts,) does not belong to Maine and Massachusetts, but belongs to New Brunswick. Maine and Massachusetts following the Georgia precedent, and borne out by the Carolina doctrine, decree a nullification of the treaty. What says Great Britain to this? First, she would tell you, that Maine and Massachusetts are no parties to the treaty, and that she looks to you, the United States, to see that it is observed in good faith. Next, she would say, if you do not give us the land in fulfilment of the treaty, we will take it ourselves. The good people of Maine and Massachusetts would bid them 'come and try,' and there again we have war foreign or civil. If the United States support Maine in breaking their own treaty, it is foreign war; if the United States fulfil their treaty, it is civil war with Maine.

But to return to the nullifying of laws, leaving treaties aside. We greatly fear that our brethren in South Carolina have contemplated the doctrine, too much in its application to laws, which are disliked by themselves, and that they have not viewed the matter, in its *principle*. A State, they say, may suspend the operation of an act of Congress, which it deems unconstitutional, till two thirds of the States sanction it by an amendment. At the last session of Congress, a law was passed, providing half a million of dollars to remove the Indians. We believe the voice not of one State, but of half the States of the Union could be obtained, to declare that law unconstitutional, under the circumstances of the case, and deeply injurious to each State, as a violation of the honor of each State pledged by treaty, to these Indians. Now the South Carolina doctrine is, that Massachusetts or Ohio has a right to suspend the operation of this law till two thirds of the States have confirmed it. Would two thirds ever confirm it? Assuredly not. Here then we have Georgia nullifying the treaties with the Indians, and Ohio nullifying the appropriation acts passed to carry into effect the nullification of the treaties.

Massachusetts and several other States, in 1807 and 1808, held the embargo to be unconstitutional, and Mr. Hayne observes, in his second speech, 'that it was right to yield it to honest convictions of its unconstitutionality, entertained by so large a portion of our fellow-citizens.' But this is not quite enough, much

as we honor Mr. Hayne's liberality on this point. Massachusetts deemed it unconstitutional. Could she have instantly suspended it, till Congress had obtained an amendment to confirm it? She did propose to the other States an amendment of the Constitution, providing 'that no law should be enacted, laying an embargo, or prohibiting or suspending commerce, for a longer period than until the expiration of thirty days from the commencement of the session of Congress, next succeeding that session, in which such law should have been enacted.' Nobody joined her in the amendment, out of New England; and Mr. Hayne devotes a whole paragraph in his speech, to show that the *onus* of procuring the amendment ought to lie *not* with the single discontented State, but with the rest of the Union. Massachusetts had then a right to suspend the embargo law according to the South Carolina doctrine, and compel the other States, if they chose to have it, to procure an amendment of the Constitution. This process would, at the least calculation, have lasted a year. What would have become of the embargo meantime? What was said even of those, who advocated its repeal in the ordinary course of legislation? The bare exercise of his rights as a citizen and a member of Congress, to procure this repeal, in conformity with the instructions of his constituents, and the wishes of all New-England, procured from Mr. Jefferson for Judge Story, then a member of Congress, the epithet of *pseudo-republican*.

But we go a step farther. How does the nullifying power bear on the question of a declaration of war. The war measures of 1798 were deemed by the republican party unconstitutional. The Alien Law, which was brought forward by its friends as a war measure, was one of the two laws, which led to the resolutions of Virginia and Kentucky, and was denounced as unconstitutional. The declaration of war, in 1812, was regarded, by the federal party, as unconstitutional, in like manner as the tariff is now held by Carolina to be unconstitutional; that is to say, a law within the forms of the Constitution, but passed for unconstitutional objects. These we need not enumerate; and it is in no degree necessary to inquire into the justice of these opinions. That they existed, we suppose, will not be denied. If then Massachusetts, that is, the dominant party in Massachusetts, believed that the war was declared from attachment to France, antipathy to England, hostility to commerce, or an opinion that 'we should keep our New England



brethren to quarrel with,' all of which was believed by the majority of New England at that day, and which all will allow are motives unknown to the Constitution, then Massachusetts had a right, by the South Carolina doctrine, to nullify the declaration of war, until two thirds of the States had confirmed it.

Again, the vocabulary of reprehension has been exhausted on Massachusetts, for withholding her militia from the General Government, although called out in a manner now *acknowledged* to have been contrary to the Constitution of the United States and of Massachusetts. There is not in the United States of America a man, who will hazard a reputation as a statesman, by saying, that the mode, in which the Massachusetts militia were called out was constitutional: we mean separating the officers from their companies, regiments and brigades. Massachusetts did undertake to nullify the law creating that draft. And what has been the consequence? The annihilation of the political party that recommended that measure; reproach and outrage from their opponents throughout the Union; and the privation of her treasury, for nearly twenty years, of a half a million of dollars, patriotically and faithfully advanced for the public service.

Congress establishes a bank: the President of the United States thinks its constitutionality well questioned, and Tennessee no doubt agrees with him, and does not stand alone. Any State may nullify the charter, till two thirds of the States confirm it. What would the Chairman of the Committee of Ways and Means say to this? Would he quote the Kentucky Resolutions again, to prove that 'a nullification of all unauthorized acts done under color of that instrument is the rightful remedy.'

It is plain farther, that the nullifying power already maintained to extend to treaties and laws, may apply to every other function of the government; to executive and to judicial acts. The President has power to fill vacancies, which occur in the recess of the Senate. He may consider vacancies occurring by removal as within the purview of the Constitution. He may remove collectors of the customs in the recess, and appoint others, to reward his friends. The people of a State may deem such a course unconstitutional. By the South Carolina doctrine, a State, so deeming, may nullify the commissions of officers thus appointed; and what then becomes of the customs?

Kentucky was much aggrieved at the decision of the United

States' court, in the case of the occupying claimant laws. She deemed that decision unconstitutional in itself, oppressive and derogatory to Kentucky. Kentucky could, by the South Carolina doctrine, have nullified that decision; and beyond question, it struck far deeper into her vitals, than all the alien and sedition laws, that could have been enacted to the end of time. The Alien and Sedition Laws were empty Salmonean thunder; the flash of smoky torches, and the trampling of steeds on a brazen floor. They did not blast a spire of blue grass in the beautiful woodlands of Kentucky. They were, to say the least, as inefficient as they were ill-judged. The alarm, which they excited, was that of oppression snuffed at a distance, on the tainted gale. Not so the opinion of the Supreme Court of the United States, in the case of Green and Biddle;

——non ille faces nec fumea tædis  
Lumina.

If the Alien and Sedition Laws were as inefficient as they were unconstitutional; this opinion was as effective as it was righteous; it was the *non imitabile fulmen*, real three-bolted thunder. It struck at the legislature, the courts, the titles of Kentucky; repealed her laws, reversed the decisions of her judges, and drove hundreds of her citizens, without a dollar of indemnity, from the homes, which they had painfully built up in the wilderness. Could Kentucky have nullified that decision, the little finger of which was heavier upon her than the loins of the Alien and Sedition Laws? Would Virginia have looked on and seen her nullify them? Virginia, who thought that she and justice gained a great triumph on this occasion? Virginia, whose legislation, whose judiciary, whose grants were sustained, in proportion as those of Kentucky were impugned?

There is a crying evil in this country, on the subject of the relations of debtor and creditor. The ancient Gothic jurisprudence of Great Britain, of which all too much afflicts this generation and this country, regarded and punished misfortune as a crime. Our laws so regard it; and inability to pay his debts, whether produced by vice, general inefficiency, accident, or the hand of God, is held in this Christian community to be equally a crime, for which the culprit is subject to be immured in a jail; and that at the discretion or caprice of the creditor, who is authorized to reduce his victim to this penal bondage to the end of his life: seizing successively the earn-

ings of each day, in discharge of an undischargable obligation. By this system of antiquated cruelty and injustice, called law, great individual misery is wrought in the land, much malignant passion nourished, swarms of the subaltern ministers of justice pampered, and a large and growing class of what might be industrious and valuable citizens, condemned to heart-breaking inaction, and lost to themselves and the country. Wise and philanthropic statesmen have labored, at various times, to provide a partial remedy for this stupendous evil, by an act of Congress; and among them, none has labored more meritoriously than Mr. Hayne. In the first session of the nineteenth Congress, Mr. Hayne reported a bankrupt law in the Senate of the United States, and sustained it with equal ability and zeal. Better speaking on such a subject we never wish to hear; much better we never did hear from any body, than we then heard from Mr. Hayne. He did not succeed, however, in overcoming the honest doubts of his colleagues; and though he merited, he did not meet with success. But suppose it had been his honor and good fortune to carry the bill through the Senate, and it had become a law: while he was resting from his strenuous efforts, with the ingenuous flush of richly deserved and modestly enjoyed triumph on his cheek; while the benedictions of those whose prison-doors he had thrown open were just reaching his ears, and arms long encumbered with vile fetters, but now renerved by him with honest industry, were raised to heaven for a blessing upon him, as they would have been from Louisiana to Maine; suppose that, at this moment, Vermont had sent him an act declaring the bankrupt law unconstitutional, as many hold it to be, and suspending his code of mercy and justice, till two thirds of the States had confirmed it. What would he have said to the nullifying doctrine and the nullifying act?

We trust we do not overstate the principles which we would enforce. The time has been, and that not ten years since, when every word we have uttered would have been echoed from South Carolina, with an emphasis far beyond its original force. In 1821, a series of essays appeared in a Georgia paper, under the signature of 'The Trio,' the ostensible object of which was to show, that the administration of Mr. Monroe (then just re-elected) was conducted on principles altogether subversive of the republicanism of 1801. We have never seen these essays, but their character is thus indicated, in the preface to a pamphlet, which we shall presently quote:



'The basis, however, of the argument in which The Trio indulge, is in contending "for a strict and literal construction of the Constitution," and in affirming an absolute negation of every thing wearing the aspect of an "implied power." This construction, as their own reasoning proves, would limit the sphere of our National Charter to those suicidal efforts, which in the end will have produced its dissolution, as a matter of inevitable consequence. To these views, the "Triumvirate" added the tocsin of "State sovereignty," a note which has been sounded in "the ancient dominion," with such an ill-omened blast, but with no variety by them, to relieve its dull and vexatious dissonance.'

'It is against these doctrines, to support which the authority of the highest names has been brought forward, the most criminal examples cited, the most popular prejudices addressed, that "One of the People" has taken the field.'

The foregoing passage is from the preface to the pamphlet in which the essays of 'One of the People' are collected, under the title of 'National and State Rights Considered.' These essays have been universally and publicly ascribed to Mr. Mc Duffie.\* We should think our pages well filled, by quoting the pamphlet entire, did not the length to which our article has run forbid us from doing so. We shall confine ourselves to one or two extracts :

'You assert, that when any conflict shall occur between the General and State Governments, as to the extent of their respective powers, "*each party has a right to judge for itself.*" I confess I am at a loss to know, how such a proposition ought to be treated. *No climax of political heresies can be imagined, in which this might not fairly claim the most prominent place.* It resolves the Government at once into the elements of physical force, and introduces us directly into a scene of anarchy and blood. There is not a single power delegated to the General Government, which it would not be in the power of every State Government to destroy, under the authority of this licentious principle. It will be only necessary for a State Legislature to pass a law, forbidding that which the Federal Legislature enjoins, or enjoining what the Federal Legislature forbids, and the work is accomplished. Perhaps you would require the State Judiciary to pronounce the State law constitutional. I will illustrate by a few examples :

'Suppose Congress should pass a law "to lay and collect taxes, imposts and excises," and that a State Legislature should

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\* See Mr. Grimké's Speech, before quoted, page 99, and elsewhere.

pass another, declaring the *objects* for which the revenue was intended were *unconstitutional*, and therefore prohibiting the officers of the General Government, by severe penalties, from collecting the taxes, duties, imposts and excises. Suppose Congress should pass a law "to raise an army" for a national war, and a State Legislature pass another, declaring the war "wicked, unrighteous and unconstitutional," and therefore prohibiting the officers of the General Government, under heavy penalties, from recruiting soldiers, within the limits of the State. Suppose Congress should pass a law "for the punishment of counterfeiting the securities and current coin of the United States," and a State Government should pronounce it unconstitutional, and provide heavy penalties against all officers, judicial or ministerial, who should attempt to enforce it. I need not multiply cases; for if you will duly consider these, you will find enough to satiate your keenest relish for anarchy and disorder. In all the above cases, you would say "each party has a right to judge for itself," and of course to enforce its judgment. You might then behold a revenue officer of the United States confined in a State dungeon, for obeying the revenue laws of Congress, &c. And all this would unavoidably result, in giving the State rulers a right to resist the General Government, or in a civil war to establish its legitimate authority; consequences, either of which is incompatible with the very notion of government. To suppose that the General Government has a constitutional right to exercise certain powers, which must operate upon the people of the States, and yet that the Government of each State has the right to fix and determine its own relative powers, and by necessary consequence to limit the powers of the General Government, is to suppose the existence of two contradictory and inconsistent rights. In all governments, there must be some *one* supreme power; in other words, every question that can arise, as to the constitutional extent of the powers of different classes of functionaries, must be susceptible of a legal and peaceable determination, by some tribunal of acknowledged authority, or force must be the inevitable consequence. And where force begins, government ends.

'And it is the more astonishing, that you have assumed positions, involving such tremendous consequences, when we consider that they are in direct opposition to the "strict letter" of the Constitution, your favorite test of the extent of delegated powers. It is therein provided "that the Constitution and the laws of the United States, which shall be made in pursuance thereof," "shall be the supreme law of the land, and the *judges in every State* shall be bound thereby, *any thing in the Constitution or laws of any State to the contrary notwithstanding.*" And

again, "the judicial power [of the United States] shall extend to all cases in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority." Nothing can be more plain than that the "strict letter" of the Constitution does make *the laws* of Congress *supreme*, enjoining obedience upon the State functionaries, and making void the laws of a State if contrary thereto. And to give the provision a sanction of a nature peculiarly impressive, "the members of the several State Legislatures, and all executive and judicial officers both of the United States and of the several States shall be bound by oath or affirmation to support the Constitution of the United States.

'It is not less evident, that it belongs to the National Judiciary, to pronounce upon the constitutionality or unconstitutionality of the laws of the National Legislature. Its jurisdiction extends to all cases rising under them; and it is hard to conceive how in any possible case a Federal judge can decide a case, arising under a law, without pronouncing upon the constitutionality of that law. In fact it would be vain and idle to make the laws of Congress supreme, if the National Judiciary had not the power of enforcing them. For you can hardly be ignorant, that a law is a dead letter, without an organ to expound, and an instrument to enforce it. I should suppose, therefore, that no professional man could hesitate in saying, that a forcible opposition to the judgment of the Federal court, founded upon an act of Congress, *by whatever State authority that opposition might be authorized*, would be the very case, which the Convention had in view, when they made provision, for "calling forth the militia to execute the laws of the Union." But I sincerely hope, that your licentious doctrines will never have the effect of misleading the State authorities so far, as to render this terrible resort unavoidable. I trust the farewell address of Washington, admonishing his fellow citizens to "frown indignantly" upon those who preach up doctrines tending to disunion, is not yet forgotten.' pp. 16—18.

Replying to the charge of federalism, made by his State right opponents to the administration of Mr. Monroe, Mr. McDuffie says,

'Presuming upon the ignorance of the people, you have vainly imagined, they could be carried away, by the "magic of a name." Hence your continual straining, your ridiculous twisting, to associate with every measure of Mr. Monroe's administration the term *federal*; a term which you suppose will awaken so many odious associations, as to make the people forget, that, as a party word, so far from applying to Mr. Monroe's adminis-



tration, it properly belongs to its opponents. And as among these, you may claim a distinguished situation, having preached pretty much the same doctrines in *peace*, which former opponents advocated in *war*, you could scarcely have deserved more credit, had a defence of the famous Hartford Convention and an accomplishment of their views, *so similar to your own*, been the avowed object of your labors.'

We have have referred to this able pamphlet, because we deem the principles, which it contains, almost without exception, sound ; because they bear directly on the movements now making in Carolina ; and because they come from a statesman respected throughout the country, but surely entitled to respect in the highest degree in South Carolina. This gentleman did not then stand alone in South Carolina ; he was one of a party, comprehending nearly all the ablest men in that State. An extract from a Carolina newspaper, for the month of September, 1821, lies before us, from which we make the following quotation. After reprobating the conduct of Ohio, in the case of the bank of the United States, the editor of the paper proceeds,

' It is under the influence of such considerations as these, that we thought the example of South Carolina in the *unanimous* support given by her Legislature, during the last session, to the principles expressed in the following Report, might possibly produce some good at a crisis that appears to us so full of difficulties as the present.'

Then follows the *Report* of

' The committee to whom were referred the preamble and resolutions directing our Senators and requesting our Representatives in Congress, to oppose the proposed alteration in the tariff, submitted by the honorable member from Chesterfield.'

This Report, after setting forth the general concurrence of the Southern and Eastern States in the impolicy and in expediency of the manufacturing system, proceeds as follows ;

' Yet when they [the committee] reflect, that the necessity, at that time universally felt, of regulating the commerce of the country by more enlarged and uniform principles, was the first motive that induced the calling of a Convention in 1787 ; when they consider, that, among the powers *expressly* given up by the States, and vested in Congress, by the Constitution, is this very one of enacting all laws relating to commerce ; *above all*, when they advert to the consequences, likely to result from the prac-

tice, unfortunately becoming too common, of arraying, on questions of national policy, the States, as distinct and independent sovereignties, in opposition to, or what is much the same thing, with a view to exercise a control over the General Government, your committee feel it their indispensable duty to protest against a measure, of which they conceive the tendency to be so mischievous, and to recommend to the House, that on this, as on every other occasion, where the common interests of the Republic are in question, they adhere to those wise, liberal and magnanimous principles by which this State has been hitherto so proudly distinguished.'

We infer from this document, taken in connexion with the manner in which it is quoted in the South Carolina paper, that in 1820-1821, on occasion of a proposed increase of the duties on imports, a member of the House of Representatives, in South Carolina, moved resolutions, instructing the Senators and requesting the Representatives of South Carolina in Congress to oppose the said increase; that these resolutions were committed to a select committee, and, on their Report *unanimously rejected*, on the following grounds;

1. That the tariff was a part of that enlarged and uniform system of regulating the commerce of the country, which led to the calling of the Convention, which framed the Constitution in 1787;

2. That the power of enacting all laws relating to commerce was *expressly* given up by the States and vested in Congress;

3. Thirdly, and *above all*, that the consequences of the practice, which had become too common, of arraying the States, as distinct and independent sovereignties, in opposition to, or in order to control the General Government on questions of national policy, was mischievous;

4. That on occasions, when the common interests of the republic are concerned, South Carolina should continue to pursue the wise, liberal, and magnanimous principles, by which that State has hitherto been distinguished.

These principles, we conceive, cover the whole ground of the present controversy. We quote them, because, what has been the opinion of South Carolina once, may be her opinion again, and not with any purpose of insinuating a charge of inconsistency against individuals or bodies of men. It must happen to every man, not possessing the somewhat rare endowment of infallibility, to have occasion, on great and difficult points, to revise his

first impressions; and in the complicated relations of national politics, the man who boasts, that he has never changed an opinion, boasts only that he has never acknowledged nor corrected an error. In 1821, it would have been impossible, in the Legislature of Massachusetts, to obtain an unanimous vote, in concurrence with a report like that, which we have just quoted, as having been unanimously adopted in South Carolina. Since that period, many, who, in this part of the country, opposed the tariff policy have, from the altered state of circumstances, been led to support it. In doing this, they have done only what it was foreseen and foretold, at the time, must be done by Northern men, and they have the sanction of the highest South Carolina authority. We will but cite the following.—On the 28th of November, 1820, a memorial was presented to the House of Representatives of the United States, from ‘sundry inhabitants of the upper counties of the State of South Carolina,’ the concluding paragraph of which is expressed in the following words:

‘We will close this remonstrance, with one more view of this important subject, showing the extreme caution and deliberation, with which Congress ought to act. A false step taken, in this system of *protection can never be retraced*.\* This will appear from an obvious application of an established maxim of political economy. However high you may raise the duties upon foreign articles, the effect of competition will be to reduce the profits of the manufacturer, to the level of the profits of other kinds of industry. When a large manufacturing interest, therefore, shall have grown up under the faith of high protection, and can but barely sustain itself with the aid of the protection, it would be absolute ruin of that great interest, to withdraw a protecting duty of some fifty per cent, and suddenly reduce, in a corresponding degree, the value of the whole mass of invested manufacturing capital. The government that would hazard such a measure ought to have a military force to suppress insurrection.’

Such were the opinions of the citizens of the upper counties of South Carolina, on this subject, at the close of 1820. Those of Charleston expressed themselves, at the same time, in the following manner, in a memorial, signed by ‘Stephen Elliott, chairman of the citizens of Charleston,’ a gentleman, in whose recent decease not South Carolina alone, but the whole country has lost one of its most distinguished and respectable sons.

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\* These words are italicised in the original.



‘It is at the threshold we must yet pause. The steps we now take, we may not be able to retrace. *The pledges we now give to our citizens we may not be able to recal.* When thousands, perhaps millions of dollars shall have been invested in manufactures, with the assurance of public support and protection, *we know not how with justice this system could be abandoned,* and the property vested, under such assurance, be devoted to irretrievable destruction. Even if the evils attendant upon these efforts should prove, in every respect, pernicious, and should press sorely on every other branch of national industry, we must go on.’

It deserves carefully to be noticed that at the very time these views of the subject were taken in the memorials presented to Congress, the House of Representatives of South Carolina, unanimously refused to adopt resolutions instructing their Representatives, to oppose the increase of duties contemplated at that time.

We beg to have this subject impartially and coolly weighed, in connexion with the present discontents. We will not now urge, that the foundation of the present manufacturing system was laid, in the war of 1812, and the measures which preceded it; a war in respect to which, it is the boast of South Carolina, that three of her distinguished citizens were mainly instrumental, in causing it to be declared. On the return of peace, the law of 1816 was passed, and of this law it is said by Mr. Hayne in his very able speech of 1824, that it ‘may be considered as the commencement of the “anti-commercial system.”’ That law, as is well known, was supported by the leading South Carolina members. The citizens of the upper counties of South Carolina in their memorial of November, 1820, (page 7,) remark, that ‘the Representatives of South Carolina in Congress, have invariably risen above sectional views, and regarded alone the general interests of the nation. One of those Representatives, in particular, the present Secretary of War, (Mr. Calhoun,) and we believe another, (Mr. Lowndes,) were decided advocates of the *tariff* formed soon after the war, which gave to the manufacturers a *liberal* protection.’ From 1816, nothing of consequence was done till the enactment of the law of 1824, and though this law is always enumerated among the burdens of the South, it was so modified, on its passage through the two Houses of Congress, that Mr. Hayne was led to observe in a note to the speech, which we

have just quoted, that it 'received no less than thirty-seven amendments in the Senate, nearly all of which tended to render its operation less oppressive, and to deprive it of its prohibitory character.' For the obnoxious features of the tariff of 1828, the manufacturers are really not to blame. They sought, in the first instance, merely a remedy for that change of things, which had arisen, in consequence of British legislation, in the woollen manufacture; and wished only not to have that branch deprived by a foreign government, of the protection guaranteed to it by our own. The bill for effecting this object failed in 1827. The law of 1828 was a law, for which the manufacturing interest was not responsible. It consisted of two classes of measures, one those, which purported to regard the interest of the farmers, the other those, which were inserted, by a combination of the Southern and grain-growing States, with the avowed purpose on the part of the former of rendering the bill unpalatable to the purely manufacturing and commercial part of the Union. The bill of the last session is one, which as it passed, contained no feature of itself objectionable to any part of the community; and contemporaneously with its passage, some of the obnoxious provisions of the tariff law,—the duties on salt and molasses,—were reduced.

Where then the occasion of this unmeasured excitement? The only evil alleged to exist in South Carolina, is, that cotton has fallen in price. The cause, to which this effect is ascribed, is the tariff. Suppose the tariff repealed, and that the demand for cotton would be increased to the extent of paying for all the fabrics which would be imported, instead of those now manufactured. We say, suppose this, though it would not follow for three reasons. First, the cottons of India would be manufactured from the growth of that country; second, all that industry which is now rendered productive exclusively by the tariff, would be annihilated, and could not import any thing, to be paid for by cotton, or any thing else; and third, the demand for cotton abroad does not depend on our demand for foreign manufactures, but on the general demand for cotton fabrics, which would not be proportionably increased by our ceasing to manufacture. But waiving all this, and supposing that America would export, say one fifth more of cotton annually. The effect of this increased demand is to be diffused over Virginia, North Carolina, South Carolina, Georgia, Tennessee, Alabama, Mississippi, Louisiana, and the Territory of

Arkansas. South Carolina would, in her proportion, feel the effect of this demand, and produce her share of the additional supply. But the price of her cotton would not be raised a mill per pound, for the obvious reason, that there is a great abundance of good cotton land in the nine States enumerated, not yet taken up.

Will South Carolina then dissolve the Union, for the sake of exporting a few thousand bags more of cotton, at the present price? We do not believe it. And could she, in the councils of her leading men, or in her popular assemblies, be induced to contemplate the consequences of carrying out the principles she now proclaims, we are well convinced she would be the first to repudiate them. She has been lavish in her condemnation of the doctrines advanced in this part of the country, in the war of 1812, doctrines declared by one of her own leading statesmen in 1821, to be similar to those then advanced by the State right politicians of that day. No one, surely, will undertake to draw a distinction between the doctrines of Virginia and Georgia in 1821, and those of South Carolina in 1828, to the advantage of the latter. We do not know that in 1821 the integrity of the Union was threatened in a whisper. In 1828, '*Disunion*' is proposed as our salvation, at a great public celebration, sanctioned by Representatives and Senators, and the consequences of a separation from the rest of the United States, and the erection of Charleston into a free port, are calmly set forth on the floor of Congress. This is done by politicians, who entertain and express the sternest disapprobation of the Hartford Convention and its doings.

We know it is said, that the Hartford Convention was called in time of war; that the movements of South Carolina are in profound peace. A separation of the Union, and civil war, in a time of peace! Yes, truly, as all signs of rain fail in a season of drought. The sign has failed, but the thing signified comes; and while the sky presents the aspect of a broad over-arching mirror, and the breeze is as dry as the dust which is driven before it, the face of the heavens in a moment is changed; the mighty host of waters comes down from the opening clouds; the swelling streams burst from their channels; and the fruits of the earth and the labors of man are swept onward in undistinguished ruin. Nor does the lesson of the philosophic poet stop here.\* In this midnight of storms,

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\* Virgil, Georgic. III.



and wreck of nature, the incensed divinity is abroad. He seizes his thunder in his red right hand, and strikes dread into the hearts of men, throughout the nations.

God preserve us from the day, when, to punish this nation for all its ill desert, though it were ten times greater than our worst enemy has painted it, any member of the common family, in war or in peace, shall separate from the Union. It has been said, that if this Union were consolidated into one Government, it would be the most corrupt Government ever known. Perhaps. If it be broken into separate independencies, it will present a scene of embittered and merciless civil wars, beyond those of republican Greece, or Italy in the middle ages. For ourselves, though every factory in the North were one great machine for transmuting iron into gold, we would rather see them all levelled to the earth, than that one State should be separated from the Union. We know, that to every part of the country this would be all, and more than all, that is wrapped up in that inauspicious phrase, 'the beginning of evils.' It would be evil in the beginning and from the beginning; and it would be misery, cruelty, and havoc, in the continuance; and utter ruin in the end. It would be on the grandest scale and in the extremest exasperation, a comprehensive family quarrel, in which a thousand natural bonds of union would be so many causes of unappeasable and remorseless hatred and hostility. There would be an agonizing struggle of domestic parties, on each side respectively, with the attendant train of rapine, assassination, judicial cruelty, and military execution. There would be an incessant border war; and from time to time a vast array of warlike forces and hostile inroads, with their wasting, demoralizing, and all-destroying consequences. Close in the train would follow foreign alliance and foreign war, in the very nature of their cause, of indefinite duration. To suppose that Republican Government could be kept up in such a condition of things, in any part of the country, would be deafness to the teachings of common reason and history. The act, by which one State severs itself from this Union, entails a military despotism on that State, and probably on every other.

The auspicious consequences to South Carolina of separating herself from the Union, and establishing her independence, have been depicted, even on the floor of Congress; a free trade with all the world, and a revenue of eight millions of dol-

lars, applied to all the objects of public improvement. But, laying aside the entire effect of the passions that would be enkindled, will the rest of the Union acquiesce in this state of things? Will the other States permit any one to make itself foreign to them? There is no provision in the Constitution that authorizes it; the evils that would flow from it to the remaining States are so enormous, that, on the ground of self-preservation, they could not permit it. Would it be permitted to Tennessee to separate from the Union, and thus throw a foreign sovereignty between the South-western States and the Capital? Or could Ohio declare herself independent, and leave Indiana and Illinois insulated on the British frontier? Surely not. On the day that the intelligence should be received, that South Carolina had obstructed the execution of a law of the United States, the President, if he did his duty, would call out the militia of North Carolina, of Tennessee, and of Georgia, to enforce it, (as General Washington called out the militia of New Jersey, Pennsylvania, Virginia, and Maryland, in 1794;) nay, he would call out the militia of South Carolina herself, for one of the three cases, which the Constitution provides; and the example of Massachusetts has well taught the States of this Union to beware of withholding their militia, when called out under an act of Congress, or of undertaking to judge for themselves whether the exigency exists. Then the port of Charleston, if declared free by South Carolina, would be put in a state of blockade by Congress. The Columbus, and the Independence, and the Franklin, and the Brandywine, and the Lexington, would one by one take their stations on the edge of the bar; and last of all, the poor old Constitution herself, almost coeval with her afflicted namesake, would obey the unwelcome summons. She would come, not skimming over the waves like the sea-bird that scarce wets his bosom on their snowy crests; not ringing with glad shouts, and the rapture of anticipated triumph, as when she ranged like a mighty monster of the deep, beneath the castles of Tripoli, striking them dumb as she passed; or as when she spread her broad and glorious banner to the winds, and rushed, like a strong man rejoicing to run a race, on the Guerriere and the Java. Her dark and weather-beaten sides would loom slowly and mournfully from the deep. Who will not weep, that shall see her sadly displaying her beautiful banner, with one bright star veiled forever, with one dear stripe effaced,—one of the old thirteen, that was



emblazoned upon the broad folds, when they were first unrolled on the morning of Independence; and was not obliterated, when they were trailed along, torn and dagged with blood, in the days of the country's tribulation; but now, alas, voluntarily blotted from them by South Carolina herself? Who could support the sight, when a squadron of the United States of America should obey the stern command of duty, and rush down in dark and fatal array on the old palmetto fort! But a worse sight than this must be borne. By the necessity of the political system in which we live; a necessity stronger than men and stronger than parties; whatsoever State shall drop from this Union, will fall into the arms of England. We know that this would be a bitter necessity to a patriotic State, but it would be her inevitable doom. Scarcely will the squadron of the United States have appeared off the waters of Charleston, to engage reluctantly in a civil war with their brethren, when a British fleet will hasten to relieve the free port; and the Royal George, and the Sovereign, and the Majestic, and the Leopard, and the Shannon, will be again arrayed against the United States, in alliance with South Carolina. Into what condition will this plunge the United States, or the disunited State? We freely admit, that it would plunge the United States into an abyss of suffering. On South Carolina itself, it would bring a direr scourge than foreign or civil war, a *bellum plusquam civile*, in which, in the most terrific sense, a man's *foes shall be those of his own household*.

This is not the language of one who looks with indifference at the burdens, real or imaginary, of any part of the Union. It is not the language of taunt or derision. It is the language of one who respects the character, acknowledges the rights, and desires the prosperity of South Carolina, as sincerely as any one of her citizens. It is a language in which one of the most distinguished of those citizens has lately himself, in substance, addressed her. At the festival held at Charleston, on the third of July, Col. Drayton, the Representative of that city in Congress, in a speech which will do him credit, as long as the Union, or the memory of the Union, shall last, thus expressed himself on this great question:

'Should the efforts which I have suggested fail of success—should the law we complain of remain unrepealed upon our statute book—we should then inquire, whether a recurrence to the remedy which I have adverted to, would not be worse than the



malady it professes to cure—whether its certain consequence would not be disunion—whether disunion would not be fraught with more disastrous results than the provisions of the act—whether it would not create a division in our own State, producing the direst of national calamities—civil war. After pondering dispassionately and profoundly, upon these questions, we are bound by every social and moral duty to select the least of the evils presented to us. For my own part, I feel no hesitation in avowing that I should regard the separation of South Carolina from the Union, as incalculably more to be deplored, than the existence of the law which we condemn.

But the consequences, which we have hitherto hinted at, of the separation, are not the worst; as certain as any of them, as certain as destiny, would be the recolonization of South Carolina by Great Britain. What ensures, as against the claims of Great Britain, the independence of South Carolina? The treaty of 1783 with the United States? From this union South Carolina retires. Does she carry with her the benefits of its treaties? Certainly not; and if she did, who is to protect her in the enjoyment of those benefits? Will Great Britain refrain from taking renewed possession of her ancient colony? Why should she? What shall prevent her?

Let those, then, who are for weighing the value of the Union, remember, that, in the destiny of nations, as written by the hand of Heaven itself, *Upharsin* stands next to *Tekel*: *Tekel, thou art weighed in the balances and found wanting; Upharsin, thy kingdom is divided and given to the Medes and Persians.* The day that takes South Carolina from the Union, gives her to the British crown. Whatever be the first act of the American Congress which she nullifies, the second, as far as she is concerned, will be the Declaration of Independence.

In closing this article, we rejoice to have it in our power to submit to our readers the following communication from the venerable individual, to whom, more than to any one living, the people of the United States are indebted for the Constitution. This individual was an active member of the Continental Congress; a leader in the Convention that framed the Federal Constitution; and the most influential of its supporters in the Virginia Convention which adopted it. He wrote the greatest part of the *Federalist*; was the author of the Virginia Resolutions of 1798, and the Virginia Report of 1799; and for sixteen years was charged with the administration of the Government, as the

incumbent successively of the second and first offices in the Executive. The South Carolina doctrine reposes mainly on the alleged authority of the Virginia Resolutions; and it is therefore scarcely necessary to add, that there is no man, whose voice, on the point in controversy, is entitled to be heard with so much deference as that of their author. We doubt not it will be heard with respect by the people of the United States, and that its utterance, at this moment, will be felt as a new title to their gratitude.\*

‘Montpelier, August, 1830.

‘Dear Sir,

I have duly received your letter, in which you refer to the “nullifying doctrine,” advocated, as a constitutional right, by some of our distinguished fellow-citizens; and to the proceedings of the Virginia Legislature in ’98 and ’99, as appealed to in behalf of that doctrine; and you express a wish for my ideas on those subjects.

‘I am aware of the delicacy of the task in some respects, and the difficulty in every respect, of doing full justice to it. But, having, in more than one instance, complied with a like request from other friendly quarters, I do not decline a sketch of the views which I have been led to take of the doctrine in question, as well as some others connected with them; and of the grounds from which it appears, that the proceedings of Virginia have been misconceived by those who have appealed to them. In order to understand the true character of the Constitution of the United States, the error, not uncommon, must be avoided, of viewing it through the medium, either of a consolidated Government, or of a confederated Government, whilst it is neither the one nor the other; but a mixture of both. And having, in no model, the similitudes and analogies applicable to other systems of Government, it must, more than any other, be its own interpreter according to its text and *the facts of the case*.

‘From these it will be seen, that the characteristic peculiarities of the Constitution are, 1, the mode of its formation; 2, the division of the supreme powers of Government between the States in their united capacity, and the States in their individual capacities.

‘1. It was formed, not by the Governments of the component States, as the Federal Government for which it was substituted was formed. Nor was it formed by a majority of the people of the

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\* It is perhaps superfluous to observe, that the venerable author of this letter is in no way responsible for any sentiment contained in our article, to which it is appended.

United States, as a single community, in the manner of a consolidated Government.

‘It was formed by the States, that is, by the people in each of the States, acting in their highest sovereign capacity; and formed consequently by the same authority which formed the State Constitutions.

‘Being thus derived from the same source as the Constitutions of the States, it has, within each State, the same authority as the Constitution of the State; and is as much a Constitution, in the strict sense of the term, within its prescribed sphere, as the Constitutions of the States are, within their respective spheres: but with this obvious and essential difference, that being a compact among the States in their highest sovereign capacity, and constituting the people thereof one people for certain purposes, it cannot be altered or annulled at the will of the States individually, as the Constitution of a State may be at its individual will.

‘2. And that it divides the supreme powers of Government, between the Government of the United States, and the Governments of the individual States, is stamped on the face of the instrument; the powers of war and of taxation, of commerce and of treaties, and other enumerated powers vested in the Government of the United States, being of as high and sovereign a character, as any of the powers reserved to the State Governments.

‘Nor is the Government of the United States, created by the Constitution, less a Government in the strict sense of the term, within the sphere of its powers, than the Governments created by the Constitutions of the States are, within their several spheres. It is like them organized into Legislative, Executive, and Judiciary Departments. It operates, like them, directly on persons and things. And, like them, it has at command a physical force for executing the powers committed to it. The concurrent operation in certain cases, is one of the features marking the peculiarity of the system.

‘Between these different Constitutional Governments, the one operating in all the States, the others operating separately in each, with the aggregate powers of Government divided between them, it could not escape attention, that controversies would arise concerning the boundaries of jurisdiction; and that some provision ought to be made for such occurrences. A political system that does not provide for a peaceable and authoritative termination of occurring controversies, would not be more than the shadow of a Government; the object and end of a real Government being, the substitution of law and order, for uncertainty, confusion, and violence.

‘That to have left a final decision, in such cases, to each of the



States, then thirteen, and already twenty-four, could not fail to make the Constitution and laws of the United States different in different States, was obvious; and not less obvious, that this diversity of independent decisions, must altogether distract the Government of the Union, and speedily put an end to the Union itself. A uniform authority of the laws, is in itself a vital principle. Some of the most important laws could not be partially executed. They must be executed in all the States, or they could be duly executed in none. An impost, or an excise, for example, if not in force in some States, would be defeated in others. It is well known that this was among the lessons of experience, which had a primary influence in bringing about the existing Constitution. A loss of its general authority would moreover revive the exasperating questions between the States holding ports for foreign commerce, and the adjoining States without them; to which are now added, all the inland States, necessarily carrying on their foreign commerce through other States.

‘To have made the decisions under the authority of the individual States, co-ordinate, in all cases, with decisions under the authority of the United States, would unavoidably produce collisions incompatible with the peace of society, and with that regular and efficient administration, which is of the essence of free governments. Scenes could not be avoided, in which a ministerial officer of the United States, and the correspondent officer of an individual State, would have rencounters in executing conflicting decrees; the result of which would depend on the comparative force of the local posesses attending them; and that, a casualty depending on the political opinions and party feelings in different States.

‘To have referred every clashing decision, under the two authorities, for a final decision, to the States as parties to the Constitution, would be attended with delays, with inconveniences, and with expenses, amounting to a prohibition of the expedient; not to mention its tendency to impair the salutary veneration for a system requiring such frequent interpositions, nor the delicate questions which might present themselves as to the form of stating the appeal, and as to the quorum for deciding it.

‘To have trusted to negotiation for adjusting disputes between the Government of the United States and the State Governments, as between independent and separate sovereignties, would have lost sight altogether of a Constitution and Government for the Union; and opened a direct road from a failure of that resort, to the *ultima ratio* between nations wholly independent of and alien to each other. If the idea had its origin in the process of adjustment, between separate branches of the same Government, the

analogy entirely fails. In the case of disputes between independent parts of the same Government, neither part being able to consummate its will, nor the Government to proceed without a concurrence of the parts, necessity brings about an accommodation. In disputes between a State Government, and the Government of the United States, the case is practically as well as theoretically different; each party possessing all the departments of an organized Government, Legislative, Executive, and Judiciary; and having each a physical force to support its pretensions. Although the issue of negotiation might sometimes avoid this extremity, how often would it happen among so many States, that an unaccommodating spirit in some would render that resource unavailing? A contrary supposition would not accord with a knowledge of human nature, or the evidence of our own political history.

‘The Constitution, not relying on any of the preceding modifications, for its safe and successful operation, has expressly declared, on the one hand, 1, “that the Constitution, and the laws made in pursuance thereof, and all treaties made under the authority of the United States, shall be the supreme law of the land; 2, that the Judges of every State shall be bound thereby, any thing in the Constitution and laws of any State, to the contrary notwithstanding; 3, that the judicial power of the United States shall extend to all cases in law and equity arising under the Constitution, the laws of the United States, and treaties made under their authority, &c.”

‘On the other hand, as a security of the rights and powers of the States, in their individual capacities, against an undue preponderance of the powers granted to the Government over them in their united capacity, the Constitution has relied on, 1, the responsibility of the Senators and Representatives in the Legislature of the United States to the Legislatures and people of the States; 2, the responsibility of the President to the people of the United States; and 3, the liability of the Executive and Judicial functionaries of the United States to impeachment by the Representatives of the people of the States, in one branch of the Legislature of the United States, and trial by the Representatives of the States, in the other branch: the State functionaries, Legislative, Executive, and Judicial, being, at the same time, in their appointment and responsibility, altogether independent of the agency or authority of the United States.

‘How far this structure of the Government of the United States is adequate and safe for its objects, time alone can absolutely determine. Experience seems to have shewn, that whatever may grow out of future stages of our national career, there is, as yet, a sufficient control, in the popular will, over the Executive and Le-

gislative Departments of the Government. When the Alien and Sedition Laws were passed in contravention to the opinions and feelings of the community, the first elections that ensued put an end to them. And whatever may have been the character of other acts, in the judgment of many of us, it is but true, that they have generally accorded with the views of a majority of the States and of the people. At the present day it seems well understood, that the laws which have created most dissatisfaction, have had a like sanction without doors; and that, whether continued, varied, or repealed, a like proof will be given of the sympathy and responsibility of the Representative body, to the constituent body. Indeed, the great complaint now is, against the results of this sympathy and responsibility in the Legislative policy of the nation.

With respect to the judicial power of the United States, and the authority of the Supreme Court in relation to the boundary of jurisdiction between the Federal and the State Governments, I may be permitted to refer to the thirty-ninth number of the "*Federalist*,"\* for the light in which the subject was regarded by its writer, at the period when the Constitution was depending; and it is believed, that the same was the prevailing view then taken of it, that the same view has continued to prevail, and that it does so at this time, notwithstanding the eminent exceptions to it.

'But it is perfectly consistent with the concession of this power to the Supreme Court, in cases falling within the course of its functions, to maintain that the power has not always been rightly exercised. To say nothing of the period, happily a short one, when Judges in their seats did not abstain from intemperate and party harangues, equally at variance with their duty and their dignity; there have been occasional decisions from the bench, which have incurred serious and extensive disapprobation. Still it would seem, that, with but few exceptions, the course of the Judiciary has been hitherto sustained by the predominant sense of the nation.

'Those who have denied or doubted the supremacy of the judi-

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\* No. 39. 'It is true, that in controversies relating to the boundary between the two jurisdictions, the tribunal which is ultimately to decide, is to be established under the General Government. But this does not change the principle of the case. The decision is to be impartially made, according to the rules of the Constitution; and all the usual and most effectual precautions are taken to secure this impartiality. Some such tribunal is clearly essential to prevent an appeal to the sword, and a dissolution of the compact; and that it ought to be established under the General, rather than under the local Governments; or, to speak more properly, that it could be safely established under the first alone, is a position not likely to be combated.'



cial power of the United States, and denounce at the same time a nullifying power in a State, seem not to have sufficiently adverted to the utter inefficiency of a supremacy in a law of the land, without a supremacy in the exposition and execution of the law; nor to the destruction of all equipoise between the Federal Government and the State Governments, if, whilst the functionaries of the Federal Government are directly or indirectly elected by and responsible to the States, and the functionaries of the States are in their appointment and responsibility wholly independent of the United States, no constitutional control of any sort belonged to the United States over the States. Under such an organization, it is evident that it would be in the power of the States, individually, to pass unauthorized laws, and to carry them into complete effect, any thing in the Constitution and laws of the United States to the contrary notwithstanding. This would be a nullifying power in its plenary character; and whether it had its final effect, through the Legislative, Executive, or Judiciary organ of the State, would be equally fatal to the constituted relation between the two Governments.

‘Should the provisions of the Constitution as here reviewed, be found not to secure the Government and rights of the States, against usurpations and abuses on the part of the United States, the final resort within the purview of the Constitution, lies in an amendment of the Constitution, according to a process applicable by the States.

‘And in the event of a failure of every constitutional resort, and an accumulation of usurpations and abuses, rendering passive obedience and non-resistance a greater evil, than resistance and revolution, there can remain but one resort, the last of all; an appeal from the cancelled obligations of the constitutional compact, to original rights and the law of self-preservation. This is the *ultima ratio* under all Governments, whether consolidated, confederated, or a compound of both; and it cannot be doubted, that a single member of the Union, in the extremity supposed, but in that only, would have a right, as an extra and ultra-constitutional right, to make the appeal.

This brings us to the expedient lately advanced, which claims for a single State a right to appeal against an exercise of power by the Government of the United States decided by the State to be unconstitutional, to the parties to the constitutional compact; the decision of the State to have the effect of nullifying the act of the Government of the United States, unless the decision of the State be reversed by three fourths of the parties.

The distinguished names and high authorities which appear to have asserted and given a practical scope to this doctrine, entitle it to a respect which it might be difficult otherwise to feel for it.

‘If the doctrine were to be understood as requiring the three fourths of the States to sustain, instead of that proportion to reverse the decision of the appealing State, the decision to be without effect during the appeal, it would be sufficient to remark, that this extra-constitutional course might well give way to that marked out by the Constitution, which authorizes two thirds of the States to institute and three fourths to effectuate an amendment of the Constitution, establishing a permanent rule of the highest authority, in place of an irregular precedent of construction only.

‘But it is understood that the nullifying doctrine imports that the decision of the State is to be presumed valid, and that it overrules the law of the United States, unless overruled by three fourths of the States.

‘Can more be necessary to demonstrate the inadmissibility of such a doctrine, than that it puts it in the power of the smallest fraction over one fourth of the United States, that is, of seven States out of twenty four, to give the law and even the Constitution to seventeen States, each of the seventeen having as parties to the Constitution, an equal right with each of the seven, to expound it, and to insist on the exposition? That the seven might, in particular instances be right, and the seventeen wrong, is more than possible. But to establish a positive and permanent rule giving such a power, to such a minority, over such a majority, would overturn the first principle of free government, and in practice necessarily overturn the Government itself.

‘It is to be recollected that the Constitution was proposed to the people of the States as *a whole*, and unanimously adopted by the States as *a whole*, it being a part of the Constitution that not less than three fourths of the States should be competent to make any alteration in what had been unanimously agreed to. So great is the caution on this point, that in two cases where peculiar interests were at stake, a proportion even of three fourths is distrusted, and unanimity required to make an alteration.

When the Constitution was adopted as a whole, it is certain that there were many parts, which, if separately proposed, would have been promptly rejected. It is far from impossible, that every part of a Constitution might be rejected by a majority, and yet taken together as a whole be unanimously accepted. Free Constitutions will rarely if ever be formed, without reciprocal concessions; without articles conditioned on and balancing each other. Is there a Constitution of a single State out of the twenty-four that would bear the experiment of having its component parts submitted to the people and separately decided on?

‘What the fate of the Constitution of the United States would be if a small proportion of the States could expunge parts of it particularly valued by a large majority, can have but one answer.

‘The difficulty is not removed by limiting the doctrine to cases of construction. How many cases of that sort, involving cardinal provisions of the Constitution, have occurred? How many now exist? How many may hereafter spring up? How many might be ingeniously created, if entitled to the privilege of a decision in the mode proposed?

‘Is it certain that the principle of that mode would not reach further than is contemplated. If a single State can of right require three fourths of its co-States to overrule its exposition of the Constitution, because that proportion is authorized to amend it, would the plea be less plausible that, as the Constitution was unanimously established, it ought to be unanimously expounded?

‘The reply to all such suggestions seems to be unavoidable and irresistible; that the Constitution is a compact, that its text is to be expounded according to the provisions for expounding it—making a part of the compact; and that none of the parties can rightfully renounce the expounding provision more than any other part. When such a right accrues, as may accrue, it must grow out of abuses of the compact releasing the sufferers from their fealty to it.

‘In favor of the nullifying claim for the States, individually, it appears, as you observe, that the proceedings of the Legislature of Virginia, in ’98 and ’99, against the Alien and Sedition Acts, are much dwelt upon.

‘It may often happen, as experience proves, that erroneous constructions not anticipated, may not be sufficiently guarded against, in the language used; and it is due to the distinguished individuals, who have misconceived the intention of those proceedings, to suppose that the meaning of the Legislature, though well comprehended at the time, may not now be obvious to those unacquainted with the contemporary indications and impressions.

‘But it is believed that by keeping in view the distinction between the Governments of the States, and the States in the sense in which they were parties to the Constitution; between the rights of the parties, in their concurrent and in their individual capacities; between the several modes and objects of interposition against the abuses of power, and especially between interpositions within the purview of the Constitution, and interpositions appealing from the Constitution to the rights of nature paramount to all Constitutions; with an attention, always of explanatory use, to the views and arguments which were combated, the Resolutions of Virginia, as vindicated in the Report on



them, will be found entitled to an exposition, showing a consistency in their parts, and an inconsistency of the whole with the doctrine under consideration.

‘That the Legislature could not have intended to sanction such a doctrine, is to be inferred from the debates in the House of Delegates, and from the address of the two Houses to their constituents, on the subject of the Resolutions. The tenor of the debates, which were ably conducted and are understood to have been revised for the press by most, if not all, of the speakers, discloses no reference whatever to a constitutional right in an individual State, to arrest by force the operation of a law of the United States. Concert among the States for redress against the Alien and Sedition Laws, as acts of usurped power, was a leading sentiment; and the attainment of a concert, the immediate object of the course adopted by the Legislature, which was that of inviting the other States “to *concur*, in declaring the acts to be unconstitutional, and to *co-operate* by the necessary and proper measures in maintaining unimpaired the authorities, rights and liberties reserved to the States respectively and to the people.”\* That by the necessary and proper measures to be *concurrently* and *co-operatively* taken, were meant measures known to the Constitution, particularly the ordinary control of the people and Legislatures of the States, over the Government of the United States, cannot be doubted; and the interposition of this control, as the event showed, was equal to the occasion.

‘It is worthy of remark, and explanatory of the intentions of the Legislature, that the words “not law, but utterly null, void and of no force or effect,” which had followed, in one of the Resolutions, the word “unconstitutional,” were struck out by common consent. Though the words were in fact but synonymous with “unconstitutional;” yet to guard against a misunderstanding of this phrase as more than declaratory of opinion, the word “unconstitutional” alone was retained, as not liable to that danger.

‘The published Address of the Legislature to the people, their constituents, affords another conclusive evidence of its views. The Address warns them against the encroaching spirit of the General Government, argues the unconstitutionality of the Alien and Sedition Acts, points to other instances in which the constitutional limits had been overleaped; dwells upon the dangerous mode of deriving power by implication; and in general presses the necessity of watching over the consolidating tendency of the Federal policy. But nothing is said that can be

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\* See the concluding resolution of 1798.

understood to look to means of maintaining the rights of the States, beyond the regular ones, within the forms of the Constitution.

‘ If any further lights on the subject could be needed, a very strong one is reflected in the answers to the Resolutions, by the States which protested against them. The main objection of these, beyond a few general complaints of the inflammatory tendency of the Resolutions, was directed against the assumed authority of a State Legislature to declare a law of the United States unconstitutional, which they pronounced an unwarrantable interference with the exclusive jurisdiction of the Supreme Court of the United States. Had the Resolutions been regarded as avowing and maintaining a right, in an individual State, to arrest, by force, the execution of a law of the United States, it must be presumed that it would have been a conspicuous object of their denunciation.

‘ With cordial salutations,

JAMES MADISON.’

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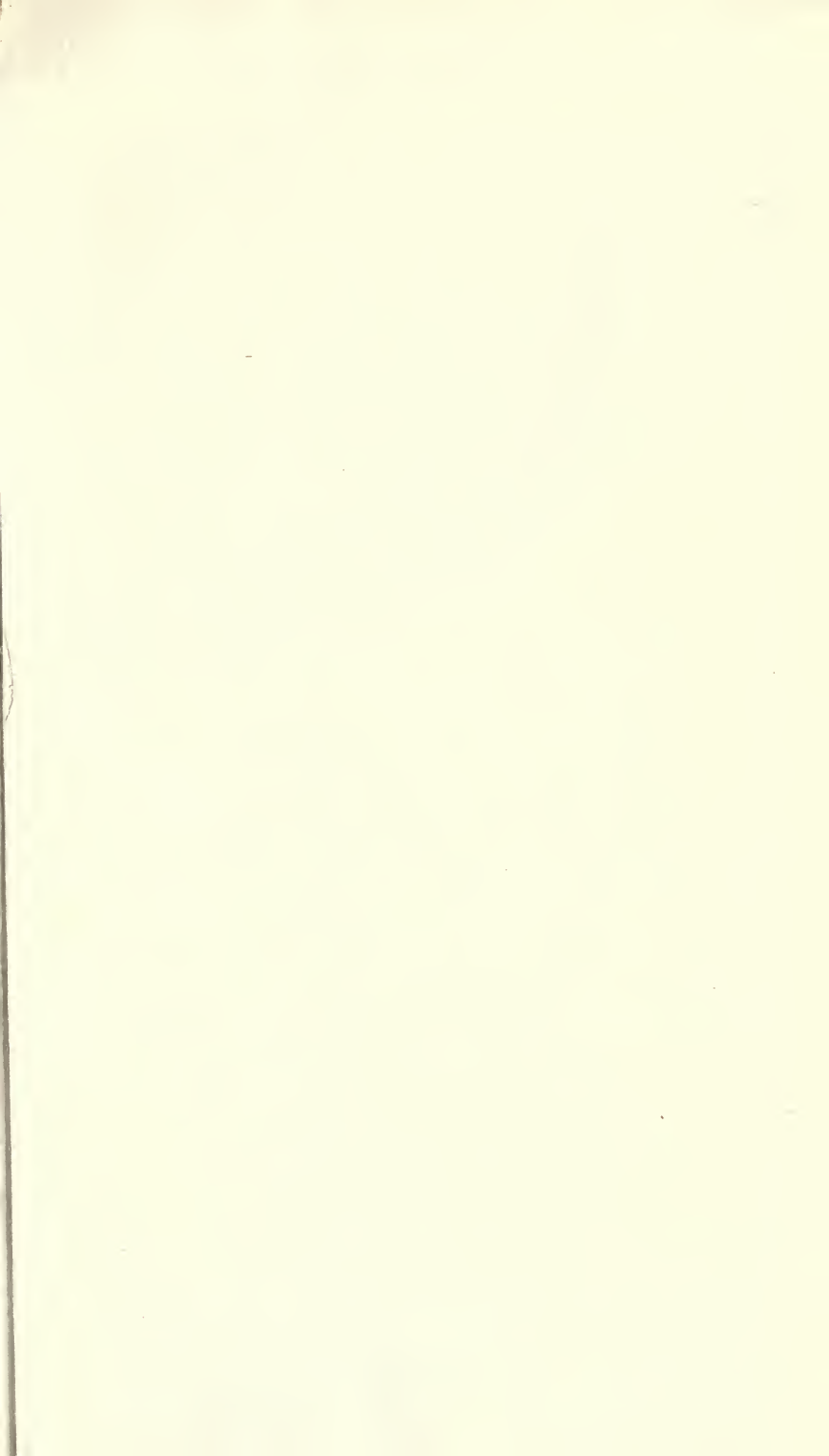
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